

Al Rajhi Bank

Ex. 93

EVAN F. KOHLMANN Confidential
In re: Terrorist Attacks on September 11, 2001

January 11, 2024

1

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

3
4 In re: Terrorist Attacks

5 on September 11, 2001

6 03 MDL 1570 (GBD) (SN) ECF Case

7 _____/

8
9 C O N F I D E N T I A L

10 The Above-Captioned Video-Recorded Deposition of

11 EVAN FRANCOIS KOHLMANN

12 9:07 a.m. - 3:28 p.m.

13 January 11, 2024

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23 REPORTED BY:

24 STEVEN POULAKOS, RPR

25 JOB NO: J10746354

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January 11, 2024

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8 The above-captioned video-recorded
9 deposition of EVAN FRANCOIS KOHLMANN was held on
10 Thursday, January 11, 2024, 2024, commencing at 9:28
11 a.m., at the Law Offices of Cozen O'Connor, 1200 19th
12 Street, N.W., Washington, D.C. 20036, before Steven
13 Poulakos, Notary Public.
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20 REPORTED BY: Steven Poulakos, RPR
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12 ALSO PRESENT: KIM JOHNSON - VIDEO OPERATOR
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P R O C E E D I N G S

- - -

THE VIDEOGRAPHER: Here begins the video recorded deposition of Evan Kohlmann taken in the matter in re terrorist attacks on September 11th, 2001, in the U.S. District Court, Southern District of New York. Today's date is January 11th, 2024. The time is 9:07.

This deposition is being held at 1200 19th Street, Northwest, Washington, D.C. The court reporter is Steve Poulakos. The video camera operator is Kim Johnson. Both are on behalf of Esquire.

Will counsel please introduce yourselves and state whom you represent.

MR. CURRAN: I'll go ahead and start. This is Christopher Curran of White & Case on behalf of Al-Rajhi Bank. I'm joined by law firm colleagues, Courtney Davis, Reuben Sequeira, Michael Mahaffey at least for the moment and Nwor Akrouk, and I believe we have on video someone from the Al-Rajhi legal department, Abdul Rumon Amusa (ph).

MR. CARTER: Good morning. This is Sean Carter from Cozen O'Connor. I have with me today my colleague, Scott Tarbutton, and we are here on behalf of the plaintiffs.

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1 THE VIDEOGRAPHER: And attorneys on Zoom?

2 MS. BEMBRY: Good morning. This is Aisha
3 Bembry. Also on the call is Jon Gryskiewicz. We are
4 from the law firm Lewis Baach Kaufmann Middlemiss
5 representing MWL, IIRO and certain charity officials.

6 MR. ALHAMIDI: This is Omar Alhamidi. We
7 do represent the Muslim Youth.

8 MR. CURRAN: Anyone else?

9 MR. RATTEY: Good morning. This is Justin
10 Rattey from Jones Day on behalf of the Dubai Islamic
11 Bank.

12 MR. NDANUSA: Mustapha Ndanusa from OTM Law
13 representing the Muslim Youth.

14 MR. CURRAN: Okay. Is there anyone who has
15 not identified themselves? Okay. Thank you very much.

16 THE VIDEOGRAPHER: Will the court reporter
17 please swear in the witness.
18 Whereupon,

19 EVAN FRANCOIS KOHLMANN,
20 called as a witness, having been first duly sworn to
21 tell the truth, the whole truth, and nothing but the
22 truth, was examined and testified as follows:

23 EXAMINATION BY MR. CURRAN

24 Q Good morning, sir. You're Evan Francois
25 Kohlmann?

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1 A That's me, correct.

2 Q And your last name is spelled
3 K-O-H-L-M-A-N-N?

4 A Correct.

5 Q And you understand you've been engaged
6 as -- to provide expert opinions in this matter?

7 A Correct.

8 Q And you understand that this matter relates
9 to 9/11?

10 A Correct, yes.

11 Q And you understand the importance of the
12 matter and the sensitivity of the matter?

13 A Yes, I do.

14 Q You understand that the plaintiffs include
15 victims and survivors of the 9/11 attacks?

16 A Yes, I do.

17 Q And you understand that the defendant for
18 purposes of today is Al-Rajhi Bank?

19 A Yes, I do.

20 Q And you understand that this litigation is
21 of substantial importance to all the parties?

22 A Yes, I understand that.

23 Q And you understand that your report in this
24 matter and your opinions may be presented to the Court
25 that's adjudicating this matter?

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1 A Yes.

2 Q And you understand that the Court may rely
3 upon your opinions and other statements in reaching
4 decisions and judgments in this matter?

5 A Yes.

6 Q And given that, you understand that it's
7 important for you to be as candid as possible?

8 A Yes.

9 Q And to be as accurate as possible?

10 A Yes.

11 Q And to provide the facts and opinions
12 without inaccuracy?

13 A Yes.

14 Q Without exaggeration?

15 A Yes.

16 Q Without embellishment?

17 A Yes.

18 Q You are educated as a lawyer, correct?

19 A I attended law school. I graduated from
20 the University of Pennsylvania Law School, but I never
21 took the bar exam. So I guess I -- I received a legal
22 education, but I'm not a lawyer.

23 Q Okay. And -- well, are you familiar that
24 under rule 26 of the federal rules of civil procedure
25 an expert witness is required to provide a complete

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1 statement of all opinions that the witness will express
2 and the basis and reasons for them?

3 A I'm generally familiar with it, yes.

4 Q And have you provided such a written report
5 in this matter?

6 A I have, yes.

7 Q Sir, Osama bin Laden and Al-Qaeda carried
8 out the 9/11 terrorist attacks, correct?

9 A That's correct, yes.

10 Q And Osama bin Laden was first designated by
11 the United States in 1998, correct?

12 A That's correct, yes.

13 Q He was designated at that time as a
14 specially designated national?

15 A I don't -- I believe it was as part of an
16 FTO, a foreign terrorist organization, but more or
17 less, it's the same thing.

18 Q And -- but you are confident that he was
19 first designated in 1998, correct?

20 A That's my understanding, yes.

21 Q Well, is it your understanding or do you
22 know that?

23 A I believe it's correct, yes.

24 Q And Al-Qaeda, the organization, was first
25 designated by the U.S. government the following year in

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1 1999, correct?

2 A That's correct, yes.

3 Q And they -- and that organization was
4 designated as an FTO?

5 A As a foreign terrorist organization, yes,
6 that's correct, yes.

7 Q And, sir, in your written report in this
8 matter, you refer to Osama bin Laden having bank
9 accounts at Al-Rajhi Bank, correct?

10 A That's correct, yes.

11 Q In your written report, you do not describe
12 any transactions in that account during the relevant
13 period for this matter, correct?

14 MR. CARTER: Objection.

15 THE WITNESS: I don't believe I did, no.

16 BY MR. CURRAN:

17 Q And, sir, do you understand that the
18 relevant period for discovery in this matter including
19 related to your report is from January 1st, 1998,
20 through December 31st, 2002?

21 MR. CARTER: Objection to form.

22 THE WITNESS: I'm not sure if I knew that
23 exact time period, but that's -- I'll accept that, yes.

24 BY MR. CURRAN:

25 Q Okay. But in any event, did you -- did you

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1 examine the activity or lack thereof in the bin Laden
2 accounts --

3 A I did not --

4 Q -- at Al-Rajhi Bank?

5 A Excuse me. I didn't have access to those
6 materials. So I wasn't able to review them.

7 Q Why didn't you have access to those
8 materials?

9 A They're nonpublic and I did not receive
10 them from any parties in the litigation.

11 Q Okay. So it's fair to say that you're not
12 aware of any transactions in those accounts at any time
13 after January 1st, 1998, correct?

14 A Not offhand, no.

15 Q And, in fact, Osama bin Laden lost his
16 Saudi citizenship in 1994, correct?

17 A That's correct, yes.

18 Q So he would have lost his Saudi ID at that
19 time, correct?

20 A I don't know when he would have lost his
21 Saudi ID, but he lost his citizenship in 1994.

22 Q And he also lost his ability to transact
23 any business in Saudi bank accounts when he lost his
24 citizenship, correct?

25 A Technically practically speaking, I don't

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1 know if that's the case or not.

2 Q When you say technically speaking, you mean
3 as a matter of Saudi law, correct?

4 A As a matter of Saudi law, but there's a
5 difference between technically and practically
6 speaking.

7 Q Do you have any evidence or indication that
8 Osama bin Laden transacted any transactions in his bank
9 accounts at Al-Rajhi Bank at any time after January
10 1st, 1998?

11 A I don't -- I have not been provided access
12 to those records. So I couldn't say whether that's the
13 case or not.

14 Q Well -- but I'm asking if you have any
15 evidence or if you've seen any evidence or any
16 indication that there were such transactions?

17 A I think I just answered that. I haven't
18 been provided access to those materials. So I don't
19 have any way of making a conclusion one way or the
20 other.

21 Q So you haven't seen any such evidence?

22 A I -- I haven't been provided access to
23 those records. I couldn't say one way or the other. I
24 guess -- I guess it's the same thing as what you're
25 saying.

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1 Q Yeah. So regardless of what you've had
2 access to, you have not seen any evidence or indication
3 of any transactions in those accounts after January
4 1st, 1998?

5 A I don't know whether there's been activity
6 or not because I haven't been provided access to those
7 records.

8 Q That's not exactly the question, right?
9 The question is whether or not you've seen evidence or
10 indication of any transactions in those accounts?

11 A I haven't been provided any access to
12 those. So I haven't seen anything.

13 Q Are you declining to answer my question as
14 framed?

15 A No. What I'm saying is is that in the
16 absence of being able to review those records, I
17 couldn't make a determination one way or the other. I
18 haven't been provided access to them. I haven't seen
19 it. So I don't know whether it is the case or not.

20 Q My question, though, isn't whether or --
21 right now my question isn't whether or not there were
22 transactions. My question is whether or not you have
23 seen evidence or indication of any such transactions.

24 A I haven't been provided access. So I
25 haven't seen any.

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1 Q And you're comfortable with that answer,
2 providing that answer to Judge Daniels in this matter?

3 A Yes.

4 Q You also refer -- well, let me -- let me
5 kind of wrap a bow on that. In your written report in
6 this matter which is as you've said a complete
7 statement of your opinions -- which is a complete
8 statement of all opinions that you will express, you do
9 not identify any transactions in those bin Laden
10 accounts, correct?

11 A I believe that's correct, yes.

12 Q Why are you hesitating? Why do you
13 believe? Is it true or not?

14 A Well, I have to think about whether -- the
15 context of the report. To my recollection, I don't
16 believe there's anything in there about specific
17 transactions involving his accounts, bin Laden's
18 accounts that is.

19 Q Or even general transactions, right, even a
20 general discussion of any transactions?

21 A I don't know what the difference would be,
22 but I don't discuss transactions involving his
23 accounts. I believe in my report, I make reference to
24 him having accounts at the bank, but I don't believe I
25 make any reference to specific transactions involving

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1 those particular accounts.

2 Q So -- so if I were to -- if I were to tell
3 you that there were no transactions in those accounts
4 at any time during the relevant period as I've defined
5 it, you have no indication or evidence otherwise?

6 MR. CARTER: Objection to form.

7 You can answer.

8 THE WITNESS: Not at this time, no, not
9 without seeing access to the accounts, no. I would
10 have to take your word for it.

11 BY MR. CURRAN:

12 Q Did -- well, how come you don't have access
13 to the information on those accounts?

14 A Banking records are nonpublic information.
15 They are private records. And unless I'm provided that
16 by parties to a litigation or unless they've been
17 somehow leaked, I don't see how I would have access to
18 them.

19 Q Isn't your report full of citations to
20 nonpublic information including from Al-Rajhi's files?

21 A Again, unless I'm provided access to
22 particular documents through the process of discovery
23 or if they are -- somehow have become public documents,
24 I wouldn't have any way of being able to access that
25 information.

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1 Q Did you ask to see the banking records
2 related to the bin Laden accounts at Al-Rajhi Bank?

3 A I don't believe I did, no.

4 Q Why not?

5 A Most banking records are nonpublic
6 information typically. Unless I'm provided to them by
7 parties to the litigation, my assumption is is that
8 they are nonpublic records and that they're not --
9 or -- or -- and/or they are not available. They're --
10 it's -- banking records are not always something that I
11 have access to. It's not something -- it's usually
12 something that either I'm provided access to or not in
13 this case. I don't believe I was provided access to
14 them.

15 Q My question was: Why didn't you ask for
16 them?

17 A Again, because they are nonpublic records.
18 So unless I'm provided access to them, my default
19 assumption is they are not available.

20 Q In your report, you also address that
21 certain of the 9/11 hijackers had accounts at Al-Rajhi
22 Bank, correct?

23 A Correct.

24 Q Your report does not address any
25 transactions in any of those accounts, correct?

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1 A I believe actually that is incorrect. I
2 believe there's actually not -- excuse me -- not on the
3 basis of an analysis of the accounts themselves, but
4 based on a subsequent analysis from the CIA, I believe
5 that there is a statement in my report which
6 indicates -- here you go.

7 Q What page are you looking at?

8 A I'm looking at page 8, the end of the half
9 paragraph at the top of the page. I'll read the
10 sentence to you. A 2002 CIA document obtained by
11 plaintiff's counsel noted that Al-Rajhi Bank has been a
12 conduit for funds for Islamic extremists and for the
13 9/11 hijackers -- sorry -- for the 11 September
14 hijackers. That is the extent to which I discuss the
15 activity at their accounts at Al-Rajhi Bank.

16 Q Did you examine the records of the accounts
17 of those 9/11 hijackers?

18 A No, I did not.

19 Q Did you have access to those records?

20 A Not to my recollection, no.

21 Q Did you ask for access to those records?

22 A Once again, it's -- it's -- those are
23 nonpublic records. So by default unless I'm provided
24 to them or made aware of their existence, I would not
25 request them because they're nonpublic records.

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1 Q So sitting here today, you don't know what,
2 if any, transactions were conducted in those accounts,
3 correct?

4 A That's correct. I'm not aware of any
5 specific transactions offhand.

6 Q And none are described in your report other
7 than this sentence that you refer to?

8 A Other than what's in my report, that's
9 correct, yes.

10 Q No, no, no. Other -- other than the
11 sentence that you referred to.

12 A Correct. Other than what the sentence is
13 in my report, that's correct.

14 Q Sir, are you aware that -- are you aware of
15 Al-Rajhi's Bank's market share in retail banking in
16 Saudi Arabia?

17 A As a percentage?

18 Q Yes.

19 A No. I'm aware it's one of the largest
20 banks in Saudi Arabia. I'm aware it's one of the most
21 prominent, but I'm not an expert in Saudi banking
22 generally. So I couldn't tell you percentage-wise.

23 Q How many hijackers were there carrying out
24 9/11?

25 A There were 19 hijackers.

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1 Q Okay. And according to your report, at
2 least seven had accounts at least at some point in time
3 at Al-Rajhi Bank?

4 A Correct.

5 Q So that's seven out of the 19?

6 A Correct.

7 Q Do you have any understanding as to how
8 that correlates to Al-Rajhi Bank's share of retail
9 banking in Saudi Arabia?

10 MR. CARTER: Objection to form.

11 THE WITNESS: I think it would be
12 speculation for me to guess at that.

13 BY MR. CURRAN:

14 Q Okay. So that's not something you've
15 analyzed?

16 MR. CARTER: Objection to form.

17 THE WITNESS: Again, I think -- I don't
18 know of how I would analyze it based on the methods or
19 the research that I do, but I would be speculating as
20 per if I was to guess why seven out of 19 versus how
21 big the market share is. That would be speculation on
22 my part.

23 BY MR. CURRAN:

24 Q And something you have not analyzed?

25 A Yes, that's correct.

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1 Q Are you aware that the 9/11 hijackers, many
2 of them, had U.S. bank accounts?

3 A Some of them did, not many of them, but
4 some of them did, yes.

5 Q Which ones did?

6 A Offhand, to be honest with you, I -- I was
7 just going through this the other day. I believe Nawaf
8 al-Hasmi had an account. Ahmed al-Nami had an account.
9 I'd have to check on the rest offhand. I don't know
10 offhand.

11 Q But there were -- there were several of
12 them that did have accounts at U.S. banks?

13 A Yes.

14 Q And what were some of those banks?

15 A You know, honestly, the account that -- the
16 bank that comes up right now I don't believe is a U.S.
17 bank. It's Standard Chartered, but I forget the others
18 offhand.

19 Q Do you recall seeing photographs of 9/11
20 hijackers withdrawing money from U.S. ATMs in the days
21 and hours before the 9/11 attacks?

22 A Perhaps. I don't recall offhand.

23 Q Are you aware of whether the hijackers
24 engaged in banking transactions with U.S. banks in the
25 days and hours prior to 9/11?

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1 A Yes.

2 Q What's your understanding as to what --
3 what transpired?

4 A They transferred and received money. They
5 sent international wires and received international
6 wires.

7 Q And are you aware of whether the 9/11
8 hijackers engaged in any shopping or eating at
9 restaurants and things of that nature in the days and
10 hours prior to 9/11?

11 A My understanding is that they did purchase
12 food and stay at hotels, yes.

13 MR. CURRAN: I'd like to mark as our first
14 exhibit a document bearing the Bates number FBI 02956.
15 This is tab 84 in the online binder. So I'm going to
16 provide a copy to the court reporter for marking.

17 MR. CARTER: And, Chris, this will be
18 brought up on the Zoom.

19 MR. CURRAN: Yeah, but I also have a hard
20 copy if you'd like that.

21 MR. CARTER: No, that's okay. My question
22 was just answered. I'll take it. Chris, just a
23 housekeeping issue. You've marked this as quote,
24 unquote Exhibit 1. There's -- the protocol we've been
25 using for exhibits -- I can't remember where we left

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1 off in Al-Rajhi. My recollection is that we're
2 supposed to be sequentially labeling things. I don't
3 need to make a big issue of it. If you want to do
4 this -- if we just want to label this something like
5 EK1 or some designation that avoids confusion.

6 MR. CURRAN: Okay. I'm fine with EK1.

7 MR. CARTER: Okay. Thanks.

8 (Kohlmann Exhibit EK1 was marked for
9 purposes of identification.)

10 BY MR. CURRAN:

11 Q Mr. Kohlmann, please take a moment to
12 familiarize yourself with this.

13 MR. CURRAN: Sean, I notice that the
14 document that the witness has has some yellow
15 highlighting on the front and back.

16 MR. CARTER: Why don't you switch that out?

17 MR. CURRAN: So I'd like to ask the court
18 reporter to substitute.

19 MR. CARTER: Sorry. I thought that was
20 deliberate.

21 MR. CURRAN: No.

22 BY MR. CURRAN:

23 Q So, again, Mr. Kohlmann, please take a
24 moment and familiarize yourself.

25 A Full disclosure. This has some

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1 highlighting on the back. That's okay.

2 MR. CARTER: I'll tell you what. I will
3 relegate myself to the online version and he can have
4 my nonhighlighted.

5 MR. CURRAN: Okay.

6 BY MR. CURRAN:

7 Q So now, sir, if you're ready, I can -- I'll
8 ask you a question, but don't feel rushed either.

9 A Yes, of course, please. Go ahead. No.
10 Let's go ahead. Go ahead.

11 Q Have you seen this document before?

12 A Yes, but it's been a while.

13 Q This document purports to be an FBI
14 summary, correct?

15 A Correct.

16 Q And it's summarizing various accounts and
17 transactions that the 9/11 hijackers had, correct?

18 A That's correct.

19 Q And you see from your review that the
20 hijackers had numerous bank accounts and used numerous
21 financial institutions, correct?

22 A Correct. I actually forgot about SunTrust,
23 yes.

24 Q SunTrust is one. You see some German
25 banks?

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1 A Sparkasse.

2 Q Okay. Sparkasse, Dresdner.

3 A Um-hmm.

4 Q You see the use of Western Union wire
5 transfers?

6 A Correct.

7 Q You see reference on page 2960 to HSBC?

8 A Correct.

9 Q As well as some of the banks we've already
10 referred to. You can see a reference on page 2962 to
11 Deutsche Bank?

12 A Correct.

13 Q As well as First Union National Bank?

14 A That's correct.

15 Q And then over on page 2963, you see
16 reference to Hudson United Bank?

17 A That's correct.

18 Q As well as Citibank UAE?

19 A Correct.

20 Q There's Al-Rajhi Investment Bank as well.
21 Do you see on 2964 Dime Savings Bank?

22 A Yes, I do.

23 Q And do you see over on page 2965 Arab
24 National Bank?

25 A Yes, I do.

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1 Q And on page 2966 UAE Exchange Center?

2 A Yes, although that's not a bank.

3 Q Okay. But you see reference there to that
4 center and visa travelers checks, correct?

5 A That's correct.

6 Q And then over on to page 2968, you see
7 reference there to TravelEx and Western Union wires?

8 A That's correct.

9 Q And then over on 2969, you see reference to
10 Saudi Netherlands Bank?

11 A That's correct.

12 Q Over on page 2971, you see a reference
13 two-thirds of the way down the page to Royal Bank of
14 Canada?

15 A You said 2971?

16 Q Yes, as well as 2972.

17 A I see Royal Bank of Canada here, but there
18 are a variety of different banks listed. Oh, okay.
19 Now I see it. Yes, okay.

20 Q And then over on 2973, there's a reference
21 to Standard Chartered Bank, which you already referred
22 to?

23 A That's correct, yes.

24 Q And then there's references on 2974 to SCB
25 which is shorthand for Standard Chartered Bank,

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1 correct?

2 A That's correct, yes.

3 Q So it's fair to say that the FBI's summary
4 reflects the use of a variety of banks and wire
5 transfer institutions by the 9/11 hijackers, correct?

6 A That's correct, yes.

7 Q So there was nothing unusual or unique
8 about Al-Rajhi Bank having accounts for some of these
9 hijackers, correct?

10 A I don't know that that's necessarily the
11 case or not.

12 Q Okay. Where did the hijackers get their --
13 the weapons that they used on their flights?

14 A Are you referring to the knives?

15 Q Yes.

16 A You're talking about the blade cutters and
17 whatnot?

18 Q Yes.

19 A They purchased them from locations inside
20 the United States. I think if I remember correctly,
21 hardware stores and like Target.

22 Q Target, Wal-Mart perhaps?

23 A I believe so, yes.

24 Q Perhaps Wal-Mart in Portland, Maine?

25 A I believe so. That's correct, yes.

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1 Q Do you think there's anything -- do you
2 think that reflects any culpability on the part of
3 Wal-Mart and Target and these other retail
4 organizations?

5 MR. CARTER: Objection.

6 You can answer.

7 THE WITNESS: I don't know the full context
8 of how they purchased them or what they purchased, but
9 at the time when they purchased, buying a blade or
10 blade cutter was not illegal. And there was no --
11 there was no kind of federal check or any kind of
12 diligence check required by Wal-Mart on people
13 purchasing those items. So in the absence of someone
14 of having some sign of intent that they were going to
15 do something illicit with it, I'm not sure.

16 BY MR. CURRAN:

17 Q Sir, in your report, you have a section
18 devoted to a person by the name of Sulayman bin Nasir
19 bin Abdullah al-Alwaan?

20 A Yes.

21 Q Do you remember that?

22 A Yes, I do.

23 Q And by the way, feel free to refer to your
24 report when we're speaking about this.

25 A Thank you.

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1 Q I think this passage begins on page 8.

2 A I actually have it opened to that page.

3 Q And by the way, I think that that's your
4 own copy of the report that you brought with you?

5 A It is. It's an unmarked copy.

6 Q Unmarked, no notes or anything like that?

7 A There's no notes. There's nothing there.

8 Q And you refer in your report to al-Alwaan
9 having opened six accounts at an Al-Rajhi Bank branch
10 in Barada, Saudi Arabia in the fall of 2000, correct?

11 A That's correct.

12 Q And then you go on to describe somewhat
13 inflammatory speeches and writings by al-Alwaan?

14 A That's correct, yes.

15 Q Mr. al-Alwaan was never designated by the
16 U.S. government, correct?

17 A I don't recall if he was or he wasn't. I
18 don't think so, but I don't recall a hundred percent.

19 Q Well, your report does not reflect that he
20 was designated, correct?

21 A Correct.

22 Q Your report does refer to him being
23 subsequently investigated by the Saudi Arabia Monetary
24 Authority, SAMA, correct?

25 A Correct.

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1 Q And you know from materials you were
2 provided with and reviewed that Al-Rajhi Bank
3 cooperated in that investigation, correct?

4 A I don't recall offhand, but that's
5 possible, yes.

6 Q Well, your footnote 15 is -- reflects
7 documents from Al-Rajhi Bank and that's their source of
8 the investigation, correct?

9 A That's correct, yes.

10 Q And all of the inflammatory statements that
11 you attribute to Mr. al-Alwaan postdate his opening of
12 the bank accounts, correct?

13 A Actually, I'm not sure about that.

14 Q Please --

15 A I'm familiar with the fact al-Alwaan made
16 statements starting in approximately 1999 and 2000 in
17 al Barada that were in support of the Taliban and in
18 support of Jihadists in Afghanistan. I don't recall
19 whether or not the statement that I cited here on
20 permissibility of martyrdom operations was prior or --
21 or other statements afterwards that are cited at
22 2000 -- in the wake of 2000 -- September 11th and the
23 2002, those are post 9/11.

24 Q So the only one you're unsure about is the
25 one you have block quoted there on page 8?

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1 A Yes, although, again, my -- in writing the
2 report, I was not focused just on his statements prior
3 to 9/11, but he was known for making radical statements
4 prior to 9/11 as well in support of the Taliban, in
5 support of Palestinian operations targeting Israelis.
6 He was well-known for his support in that regard.

7 Q So -- so among the things you say about
8 Mr. al-Alwaan was you say that al-Alwaan himself had
9 served as a teacher and mentor to 9/11 suicide hijacker
10 Abdelaziz al-Omari.

11 A Correct.

12 Q Do you see that?

13 A Correct.

14 Q And what's your source for that?

15 A My source for that is the 9/11 report page
16 233.

17 MR. CURRAN: Okay. Let's take a look at
18 that page.

19 (Kohlmann Exhibit EK2 was marked for
20 purposes of identification.)

21 MR. CURRAN: Tab 52. This is the 9/11
22 commission report page 233 and we'll be marking this as
23 EK Exhibit 2.

24 (A discussion was held off the record.)

25 BY MR. CURRAN:

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1 Q Mr. Kohlmann, do you see in front of you
2 the page 233 from the 9/11 commission report?

3 A I do.

4 Q And that's the page that you cite in
5 footnote 16 of your report, correct?

6 A Correct.

7 Q And do you see the -- in the first full
8 paragraph, second sentence, it says Omari, for example,
9 is believed to have been a student of a radical Saudi
10 cleric named Sulayman al-Alwaan?

11 A Correct.

12 Q And that sentence is the source for your
13 statement in your report that I referred to, correct?

14 A I believe.

15 Q All right. So the 9/11 commission report
16 says that Omari is believed to have been a student of
17 al-Alwaan and you in your report on the basis of that
18 sentence say that al-Alwaan himself had served as
19 teacher and mentor to 9/11 suicide hijacker Abdelaziz
20 al-Omari, correct?

21 A Correct.

22 Q That's a pretty blatant embellishment of
23 the 9/11 commission report, isn't it?

24 A Not in my view. In my view, it's a
25 restatement, but you can characterize it how you like.

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1 Q Okay. So when the 9/11 commission report
2 says Omari is believed to have been a student, you
3 think it's fair from that source to say that al-Alwaan
4 had served as teacher and mentor to al-Omari?

5 A I believe that's a fair characterization,
6 yes.

7 Q Okay. So you stand by that?

8 A Yes.

9 Q And, in fact, your report does that kind of
10 recharacterization a lot, doesn't it?

11 MR. CARTER: Objection to form.

12 THE WITNESS: I -- you'd have to provide me
13 specific examples.

14 BY MR. CURRAN:

15 Q Okay. I will. We've already talked about
16 designations to some extent already and you acknowledge
17 that bin Laden was first designated in 1998 and
18 Al-Qaeda was first designated in 1999, correct?

19 A I believe so, yes.

20 Q Sir, Al-Rajhi Bank has never been
21 designated in any way by the U.S. government, correct?

22 A Not that I'm aware of publicly, no.

23 Q You've looked into that, haven't you?

24 A Yes, but I don't have access to anything
25 that's -- that's classified or nonpublic, so I can only

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1 speak to what's in the classified -- excuse me -- the
2 unclassified or public sphere, i.e., materials that are
3 unclassified or materials that were classified and have
4 been since declassified. So I can't really speak with
5 authority to that.

6 Q Okay. But let's -- let's discuss public
7 designations --

8 A Sure.

9 Q -- such as SDN, FTO and designations akin
10 to that. Al-Rajhi Bank has never been so designated by
11 the U.S. government, correct?

12 A So designated by who? Are you saying have
13 they been publicly designated?

14 Q Yes.

15 A To my knowledge, they have not been
16 publicly designated, no.

17 Q And that includes by the president, by the
18 Department of the Treasury, by the State Department or
19 any other unit of the U.S. federal government, correct?

20 A That's correct, yes.

21 Q And the same holds true for Al-Rajhi Bank's
22 directors, officers and employees, correct? None of
23 them have ever been designated by any U.S. authority?

24 A I couldn't say that. I don't know to the
25 extent that individuals that might have been designated

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1 by employees at Al-Rajhi at one point. I couldn't say
2 that.

3 Q Let me put it this way. So in your report,
4 you do not identify any instance in which Al-Rajhi Bank
5 has been designated by any U.S. government authority,
6 correct?

7 A Correct.

8 Q Or by any other government authority
9 anywhere in the world, correct?

10 A Correct.

11 Q And in your report, you do not identify any
12 instance in which any director, officer or employee of
13 Al-Rajhi Bank has been designated by the United States
14 government, correct?

15 A I believe that's correct.

16 Q Or by any other government anywhere in the
17 world?

18 A In my report?

19 Q Yes.

20 A I don't believe I said anything like that,
21 no.

22 Q Just because you -- you seem to be
23 suggesting maybe there was information outside of your
24 report. Even beyond your report, you're not aware of
25 any designation of Al-Rajhi Bank or any director,

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1 officer or employee of Al-Rajhi Bank by any government
2 anywhere in the world, correct?

3 MR. CARTER: Objection to form.

4 THE WITNESS: Again, based on the
5 information that I reviewed, I am unaware of that.

6 BY MR. CURRAN:

7 Q And 9/11 it's fair to say was the most
8 investigated crime probably in human history, correct?

9 MR. CARTER: Objection.

10 THE WITNESS: I don't know that I would
11 make that kind of a characterization. I don't know.

12 BY MR. CURRAN:

13 Q You think that's an unfair
14 characterization?

15 A I think that's an individual assessment. I
16 don't -- I don't think there's any way of actually
17 measuring that or assessing that. Is it more
18 significant than the investigation of the Linbergh
19 baby, I don't know. That's -- that's a subjective
20 assessment.

21 Q So what are other candidates in your mind?
22 So the Linbergh baby. So you think -- you think the
23 Linbergh --

24 A The assassination -- the assassination of
25 JFK. I mean, there are so many different major

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1 international investigations over the years. I don't
2 think you can properly characterize things like that
3 just in my opinion.

4 Q It's fair to say that the investigation of
5 9/11 was extraordinary in its scope and duration,
6 correct?

7 MR. CARTER: Objection to form.

8 THE WITNESS: I would say there was a major
9 effort to try to investigate it, yes.

10 BY MR. CURRAN:

11 Q And principally by the U.S. government,
12 correct?

13 A Among others, yes.

14 Q And many different units of the U.S.
15 government, correct?

16 A That's correct.

17 Q The CIA, the FBI, national intelligence?

18 A That's correct.

19 Q Turning back to your report, on page 9, you
20 have reference to in 2003 --

21 A Do you want this back?

22 Q No. You can keep it right there. So I'm
23 on page 9 in your report. There's a sentence where --
24 this is now in the second full paragraph. In 2003,
25 al-Alwaan spoke at the Al-Rajhi Mosque and condemned

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1 the United States and its allies calling them invaders
2 and crusaders and there's quote marks around invaders
3 and crusaders, correct?

4 A Correct.

5 Q And the reference to Al-Rajhi Mosque, that
6 Mosque is named Al-Rajhi Mosque because a number of the
7 Al-Rajhi family made donations to have it built,
8 correct?

9 A Correct.

10 Q You're not suggesting by the name that
11 anyone in the Al-Rajhi family had any influence over
12 who would be speaking there, correct?

13 A I don't know if that's the case or not.
14 Certainly what you're saying is true. The Mosque was
15 named after Al-Rajhi family because of the fact that
16 they sponsored the construction of it and built it.
17 The degree to which they have control over who speaks
18 there, I couldn't say.

19 Q And, in fact, the Al-Rajhi family are --
20 they're famous for their philanthropy, correct?

21 A Correct.

22 Q And have sponsored the building of numerous
23 Mosques throughout Saudi Arabia, correct?

24 A Yes, I think that's fair to say.

25 Q And the particular Al-Rajhi Mosque you're

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1 referring to here is not the Mosque in Riyadh, but, in
2 fact, is a Mosque in Barada, Saudi Arabia, correct?

3 A You're right. That's correct, yes.

4 Q And then in 2003, that was after the United
5 States invaded Iraq, correct?

6 A In this context, I believe it was, yes.

7 Q So al-Alwaan was making comments critical
8 and condemning the United States for its invasion of
9 Iraq, correct?

10 A I wouldn't characterize that as what he was
11 doing. That was part of what he was doing, but he was
12 also calling for armed conflict against the United
13 States.

14 Q To resist the invasion of Iraq?

15 MR. CARTER: Objection to form.

16 THE WITNESS: I wouldn't call it resisting.
17 I would call it -- he was calling for armed conflict
18 with the United States. He wasn't specifically
19 limiting himself just to Iraq.

20 BY MR. CURRAN:

21 Q And your source for footnote 20 -- your
22 source for that sentence is footnote 22, correct?

23 A Correct, yes.

24 MR. CURRAN: I'd like to ask the court
25 reporter to mark this document as EK Number 3.

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1 (Kohlmann Exhibit EK3 was marked for
2 purposes of identification.)

3 BY MR. CURRAN:

4 Q Mr. Kohlmann, please take a moment to
5 review this document. This was tab 18.

6 A (Reviewing document.)

7 Q Mr. Kohlmann, this was the source that you
8 referred to in your report at footnote 22?

9 A That's correct, yes.

10 Q And, first of all, your quote from the
11 article is wrong, correct, when you say invaders and
12 crusaders?

13 A Sorry. Invaders and colonists. That's
14 correct, yes.

15 Q How did that happen?

16 A I have no idea. It could have simply been
17 a typo.

18 Q And this article is principally about the
19 resistance to the war in Iraq, correct?

20 A Well, he says since the 11th of September.
21 So he actually in his speech he's basically
22 characterizing the war in Iraq as part of a larger
23 struggle with the United States that began in
24 September 11th.

25 You know, to me when I read this, it was

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1 not limited to just that. And of course since he had
2 issued a declaration of martyrdom or support of
3 martyrdom operations prior to this, it seemed to me
4 that this was part of a larger characterization of the
5 conflict with the United States.

6 Q But the war in Iraq was and is a source of
7 considerable controversy in the Middle East and
8 elsewhere, correct?

9 A I'd say that's true.

10 Q And, in fact, with the benefit of years of
11 20/20 hindsight, it appears that the U.S. government
12 went into Iraq with a misunderstanding as to whether
13 Saddam Hussein was hiding weapons of mass destruction,
14 correct?

15 A That's true, yes.

16 Q And the CIA reports that supported the
17 invasion turned out to be wrong, correct?

18 A That is correct, yes.

19 Q And, in fact, there's been concern
20 expressed about a lot of the intelligence immediately
21 after 9/11 coming out of the CIA and other intelligence
22 agencies, correct?

23 A No, I don't think that's correct. Maybe as
24 per the weapons of mass destruction in Iraq, but I have
25 seen only very small instances vis-a-vis Al-Qaeda

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1 itself.

2 Q Well --

3 A I can only think of one example offhand.

4 Q Well, don't you think that the CIA's
5 mistake about Saddam Hussein having weapons of mass
6 destruction was a pretty serious mistake?

7 MR. CARTER: Objection to form.

8 THE WITNESS: I think it was a pretty
9 serious mistake inasmuch as the CIA's assessment of
10 what was going on in the Iraq with the regime of Saddam
11 Hussein, sure.

12 BY MR. CURRAN:

13 Q Well, it caused the United States and
14 allies to go into war on a mistaken assumption,
15 correct?

16 MR. CARTER: Objection to form.

17 THE WITNESS: I think I agree with you in
18 the sense that if you're talking about the CIA's
19 understanding of Saddam Hussein's Iraq and about the
20 dynamics of the Iraqi regime and the possession of
21 weapons of mass destruction on that particular element,
22 I would say the CIA's information was not so good, yes,
23 correct.

24 BY MR. CURRAN:

25 Q Not so good, is that what you said?

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1 A I would say it was not so good, that's
2 correct, yes.

3 Q It was wrong, correct, tragically wrong?

4 MR. CARTER: Objection to form.

5 THE WITNESS: That's a characterization,
6 but I think it was tragic that they made a mistake in
7 that regard, yes.

8 BY MR. CURRAN:

9 Q Sticking to page 9 of your report, you have
10 a reference in the next paragraph to an Omar
11 al-Bayoumi. Do you see that?

12 A Yes.

13 Q And after the first reference to his name,
14 there's a sentence that says telephone records received
15 from AT&T appear to show multiple phone calls in
16 January 2001 from Omar al-Bayoumi's office at a Kurdish
17 Mosque in San Diego to two officials from the Sulaiman
18 Abdulaziz Al-Rajhi Charitable Foundation in Saudi
19 Arabia, Abdulrahman al-Rajhi and Abdullah al-Misfer,
20 period, footnote 25. Do you see that?

21 A Yes, I do.

22 Q Now, first of all, sir, your report does
23 not state that Abdulrahman al-Rajhi or Abdullah
24 al-Misfer ever worked for Al-Rajhi Bank, correct?

25 A I don't recall if -- I don't believe they

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1 did, but I don't recall offhand.

2 Q And your report does not say that they did,
3 correct?

4 A I don't believe so. I think my report
5 identifies them as officials with the charity, but not
6 with the bank.

7 Q Okay. But in this sentence, you're
8 referring to multiple phone calls in January 2001 and
9 then footnote 25 elaborates upon that, correct?

10 A That's correct, yes.

11 Q And footnote 25 says that AT&T telephone
12 records identify two calls from Bayoumi's office
13 telephone at the Kurdish Mosque in San Diego,
14 California on January 20th, 2001, to Saudi Arabia at
15 3:30 a.m. and 3:35 a.m. pacific standard time, period.
16 I'll stop there.

17 So -- so according to your footnote, those
18 records identify two calls. In your text, you said
19 multiple phone calls. By multiple, you were referring
20 to those two?

21 A That's correct, yes.

22 Q And those seem to be unusual times for
23 phone calls to be made?

24 A 3:35 in the morning is an unusual time.
25 However, you have to put it in the context of the

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1 timing which is that that's also basically morning
2 Saudi Arabia time, right? So if you're calling
3 internationally around the world in my experience, it's
4 not always that unusual to be doing phone calls at that
5 hour of the morning.

6 Q So you weren't suggesting anything
7 suspicious about the time of day of the call?

8 A I didn't say anything to -- in that context
9 in the report and it could be through any number of
10 different reasons they were at that time.

11 Q And then you say in the next couple of
12 sentences the first call is to, and you give a number,
13 an office number associated with Abdulrahman al-Rajhi
14 and you cite NL 18775. The second call is to, and you
15 give another number for over 12 minutes, a mobile phone
16 associated with Abdullah al-Misfer, period. Al-Rajhi
17 and Misfer share the same office number. And you give
18 the number and fax number and you give the number. I'd
19 like to look at the documents that you cite there.

20 MR. CURRAN: Is this tab 19? I'm going to
21 mark two documents at this time. The first is this tab
22 19 which bears the Bates number NL0018774 through 783
23 and the other document I'll be marking is tab 23 which
24 does not bear Bates numbers and these are EK4 and 5.

25 (Kohlmann Exhibit EK4 was marked for

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1 purposes of identification.)

2 (Kohlmann Exhibit EK5 was marked for
3 purposes of identification.)

4 BY MR. CURRAN:

5 Q Mr. Kohlmann, please take a moment to
6 review both of these exhibits.

7 A (Reviewing document.)

8 Okay.

9 Q Well, I can help you familiarize yourself
10 with Exhibit 5 as well. So Exhibit 5 is -- you can see
11 is a legal document. It's the -- it's a production
12 from AT&T. And I'm going to call your attention to the
13 document that has up on the top ECF number page 17 of
14 27. And, sir, this page 17 of 27 in EK Number 5, that
15 is your source of information about the phone calls,
16 correct?

17 A I believe so. Sorry. Phone record is a
18 little bit difficult to look at, but, yes, I believe
19 so.

20 Q So let me call your attention. Do you see
21 where it says item and then the numbers of the left
22 side of the page?

23 A Yes, I do.

24 Q I want to call your attention to items 6
25 and 7.

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1 A Sure.

2 Q And the times that are provided there on
3 January 20th, 2001, those match the times that you
4 refer to in your footnote 25, correct?

5 A I believe so, yes.

6 Q And the second call, the one item 7 is --
7 according to this has an elapsed time or duration of 12
8 minutes and 31 seconds, correct?

9 A That's correct.

10 Q And that aligns with your statement in
11 footnote 12 about the second call being for over 12
12 minutes, correct?

13 A That's correct, yes.

14 Q And the first call is for 26 seconds,
15 correct?

16 A Yes, that's correct.

17 Q Okay. So when you were referring in the
18 text of your report to multiple phone calls in
19 January 2001, by that you were referring to two calls
20 within a couple of minutes of one another on that date
21 on January 20th, 2001, one call for 26 seconds and then
22 the second one for 12 minutes and 31 seconds, correct?

23 A That's correct, yes.

24 Q As to the timing of these calls, do you see
25 up above where -- above where it provides the date and

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1 time? It says con, date, time --

2 A Yes.

3 Q -- at the top of the column?

4 A Yes.

5 Q And then under that, it says UTC?

6 A Yes, that's correct.

7 Q Do you know what UTC means?

8 A Sorry. UTC is Greenwich mean time.

9 Q Right. So the times were not pacific time?

10 A They were UTC, that's correct.

11 Q They were UTC time?

12 A Yes.

13 Q And pacific time is generally what, eight
14 hours behind Greenwich mean time?

15 A Yes, about eight hours. It depends on the
16 time of year, but, yes.

17 Q So these calls would have been comfortably
18 in the evening of pacific time?

19 A Yes, but I don't know what difference would
20 that make because, again, it wouldn't be unusual for
21 someone to call in -- it wouldn't be unusual for
22 someone to call at the night trying to reach someone in
23 Saudi Arabia because of the time difference between PST
24 and UTC.

25 Q But the times -- the reference to the

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1 pacific standard time that you gave in footnote 25 is
2 just wrong, correct?

3 A It should be UTC, not PST, that's correct,
4 yeah.

5 Q And you still think that the
6 characterization of multiple phone calls in
7 January 2001 is a fair characterization of these two
8 calls within a couple of minutes of one another on
9 January 20th?

10 A Yes. The purpose of using the word
11 multiple was to emphasize that it wasn't like a wrong
12 number. It wasn't like someone called the wrong number
13 by accident. The idea that there's more than one call
14 would suggest that it was a deliberate act.

15 Q Well, wouldn't that be established by the
16 fact that the second call was 12 minutes?

17 A I think that's corroborative evidence,
18 yeah, but I think it's also important to note that
19 there's multiple different calls to multiple different
20 officials within a very short period of time.

21 Q Well, there are two calls within two
22 minutes.

23 A To two different people.

24 Q The first call was for 26 seconds.

25 A Right.

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1 Q Doesn't that period of time suggest that
2 maybe there wasn't a complete connection to have a full
3 conversation?

4 MR. CARTER: Objection.

5 THE WITNESS: That's speculation.

6 BY MR. CURRAN:

7 Q Isn't this whole thing that you're
8 providing speculation?

9 MR. CARTER: Objection.

10 THE WITNESS: No, I don't think -- I don't
11 think referring to telephone records is speculation.
12 But if you're trying to say what happened in the
13 context of those phone calls, I think that's probably
14 speculation.

15 BY MR. CURRAN:

16 Q All right. So this is a report that you
17 provided relating to Al-Rajhi Bank and you're
18 addressing what you say are multiple phone calls when,
19 in fact, it's two from this Mr. al-Bayoumi to two
20 officials from the charitable foundation; is that fair?

21 A Yes, I think that's fair.

22 Q And then in the next sentence back to your
23 report now -- I guess since we marked number -- Exhibit
24 4, let's go to that. You refer to that -- I guess in
25 footnote 25, you refer to in the final sentence

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1 al-Rajhi and Misfer share the same office number and
2 fax number. The office number they share is because
3 they both work at the same foundation, correct?

4 A Correct.

5 Q And they have different extensions there,
6 correct?

7 A I believe so, yes.

8 Q That's all I was trying to establish on
9 Exhibit 4. Thank you.

10 The next sentence in your report --

11 A I'm sorry. Would you like these back?

12 Q No. You can keep the stack.

13 A Okay.

14 Q We might -- we might refer to them again.
15 The next sentence in your report says, quote,
16 additionally records from Al-Rajhi Bank show at least
17 three transfers in July and August 2001 from Al-Rajhi
18 bank accounts held by Sheikh Muhammad Abdulaziz
19 al-Habib to al-Bayoumi's Bank of America account in
20 California, period, citing footnote 26. Do you see
21 that?

22 A Yes, I do.

23 Q So this Mr. al-Bayoumi had a bank account
24 at Bank of America in California?

25 A He did. I don't know -- I can't remember

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1 if it was held under his name or the name of the
2 Mosque, but he had an account.

3 Q This says al-Bayoumi's Bank of America
4 account in California, correct?

5 A I believe it was his personal account, but
6 I'm not -- I can't remember offhand whether it was his
7 personal account or the account of the Mosque he was
8 operating.

9 Q Does it concern you that there was an
10 al-Bayoumi Bank of America account in California?

11 A Does it concern me in what context?

12 Q Do you think it was problematic for Bank of
13 America to have an account for Mr. al-Bayoumi?

14 A I'm not sure if Bank of America knew enough
15 about Mr. Bayoumi or al-Bayoumi's activities to
16 understand the potential risk that he might have posed
17 to them.

18 Q Well, this is in 2001. Aren't there know
19 your customer requirements and other protocols in place
20 for banks to learn the backgrounds of customers and
21 potential customers?

22 A There was, but Mr. al-Bayoumi was a foreign
23 national. He had very little history in the United
24 States. And prior to 9/11, American banks did not
25 always understand some of the activities of these

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1 individuals that well.

2 Q Don't you think the fact that he was a
3 foreign national would make Bank of America or any
4 other U.S. bank more cautious rather than less
5 cautious?

6 MR. CARTER: Objection to form, foundation.

7 THE WITNESS: I would be speculating in
8 that regard. I don't -- I don't -- I haven't engaged
9 in bank diligence processes, so I would be -- I would
10 be speculating in that regard.

11 BY MR. CURRAN:

12 Q Okay. So that's not within your area of
13 expertise?

14 A With regards to what American banks do with
15 foreign nationals in terms of understanding whether or
16 not foreign nationals posed risks to American banks, I
17 couldn't say. I'm not familiar with the process here.

18 Q Are you otherwise -- do you otherwise
19 consider yourself an expert in some areas of banking
20 regulation and banking standards?

21 A Not in specific, no. My expertise is not
22 in accounting or anything like that. I'm familiar
23 generally with how OFAC rules work and how the Swiss
24 system works. And I'm familiar with the kind of
25 diligence and the kind of -- the kind of information

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1 that would usually provide red flags to certain
2 financial institutions in terms of dealing with
3 individuals who are possibly or suspected to be
4 connected to illicit activity particularly terrorist
5 activity, but banking regulations is not the focus or
6 my specific area of expertise.

7 Q Okay. But given the statement you just
8 provided, I would think that you would have some
9 opinion with respect to Bank of America opening an
10 account for al-Bayoumi in 2001.

11 A Again, at that point in time because the
12 level of understanding that I think the banks had with
13 regards to foreign nationals particularly Saudi
14 nationals, I'm not sure whether they would have known
15 or not.

16 Q And I take it you also don't consider
17 yourself an expert in banking regulations in Saudi
18 Arabia in and around the 2001 timeframe?

19 A Not banking regulations, no.

20 Q And in the sentence, you refer to a person
21 by the name of Sheikh Muhammad Abdulaziz al-Habib. Do
22 you mean by reference to his name to be suggesting some
23 problem with him?

24 A This is an individual who has transferred
25 money and has been associated with extremists, Islamic

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1 extremists based in the United States. So I would say
2 based on those connections, he is someone of interest.
3 I don't believe he's ever been designated. I don't
4 know whether any criminal investigation has taken
5 place, but I do know that he has provided money and has
6 engaged with individuals who are well-known extremists
7 based here in the United States.

8 Q Well, if he's never been designated or
9 prosecuted, why do you think there's something
10 suspicious about him?

11 MR. CARTER: Objection to form.

12 THE WITNESS: So I'd repeat what I just
13 said is that he has provided money and he's engaged in
14 activities with individuals who are well-known Islamic
15 extremists who publicly advertised their interest in
16 raising money and providing weapons to armed conflicts
17 and individuals who have also been active in supporting
18 Jihadist conflicts around the world, provided money to
19 them, provided support to them, was in communication
20 with them long after these individuals had
21 self-identified as being Islamic extremists interested
22 in supporting armed conflict.

23 BY MR. CURRAN:

24 Q But the U.S. government has not seen fit to
25 designate the gentleman?

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1 A Not to my knowledge, no.

2 Q Well, you would know if he was publicly
3 designated, correct?

4 A I would know if he was publicly designated,
5 yes.

6 Q Do you -- are you questioning the
7 competence of U.S. regulators and prosecutors? Do you
8 think they're sleeping on the job and failing to pursue
9 people that they ought to be pursuing?

10 A I think more could have been done prior to
11 9/11 when it came to terror finance specifically, but
12 I'm not in a great position to be able to look back in
13 this regard with these particular individuals with U.S.
14 banks that far. The one thing I will say is that most
15 U.S. banks were not familiar with these individuals,
16 did not know these individuals, but I certainly think
17 if you look at the history of U.S. terror finance work,
18 more could have been done prior to 9/11 to better crack
19 down on those implements.

20 Part of the problem was is that the U.S.
21 did not receive a lot of support from its international
22 partners. And when it came to certain institutions
23 that were based in foreign jurisdictions where the U.S.
24 had limited reach without the support and cooperation
25 of those local governments, there wasn't a lot the U.S.

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1 necessarily could do.

2 Q Okay. But even after 9/11, Mr. al-Habib
3 was not designated, was not publicly designated by the
4 U.S. government or prosecuted, correct?

5 A I know -- I don't know that he was -- okay.
6 I know that he was not publicly designated. I don't
7 know whether or not that he was investigated. I don't
8 know whether he was prosecuted. I'm not familiar with
9 that information.

10 Q Isn't that something you would know? Is
11 that -- aren't you an expert in that area?

12 A If he was prosecuted in Saudi Arabia or if
13 he was investigated by the U.S. government and those --
14 that -- those investigations never became public or
15 never declassified, no, I would not know that
16 information.

17 MR. CURRAN: Okay. Let's take a short
18 break.

19 THE VIDEOGRAPHER: Off the record at 10:16.

20 (Deposition recessed at 10:16 a.m.)

21 (Deposition resumed at 10:32 a.m.)

22 THE VIDEOGRAPHER: We're back on the record
23 at 10:32.

24 BY MR. CURRAN:

25 Q So, Mr. Kohlmann, in your report after you

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1 discuss Mr. al-Bayoumi, you go on to discuss
2 Mr. al-Thumairy, correct?

3 A That's correct, yes.

4 Q He also has never been designated by the
5 U.S. government, correct?

6 A Correct.

7 Q And you in your report on page 10 refer to
8 him having telephone contact with the same two
9 officials at the Sulaiman Abdulaziz Al-Rajhi Charitable
10 Foundation, correct?

11 A That's correct, yes.

12 Q And then you refer to Sulaiman Al-Rajhi
13 making some payments to al-Thumairy's supervisor in the
14 United States, Khalid al-Sweilem?

15 A Sweilem, yep.

16 Q The head of the Saudi embassy's Dawah
17 office affiliated with the Saudi Ministry of Islamic
18 Affairs, correct?

19 A Correct.

20 Q And so your report does not refer to any
21 payments from Sulaiman Al-Rajhi or the foundation to
22 Mr. al-Thumairy, correct?

23 A Not directly I don't believe.

24 Q And this supervisor, Mr. al-Sweilem, he's
25 in what, in Washington at the Saudi embassy?

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1 A Yes, that's correct.

2 Q And the Dawah office there is responsible
3 for what, Islamic outreach across the whole U.S.?

4 A That's correct, yes.

5 MR. CURRAN: I'd like to mark the next
6 document. This is tab 27 in the folder and I guess
7 we'll be marking this as EK Number 6.

8 (Kohlmann Exhibit EK6 was marked for
9 purposes of identification.)

10 BY MR. CURRAN:

11 Q Mr. Kohlmann, please take a moment to refer
12 to this exhibit. I'll be referring you to some
13 specific passages in this multipage document. Just
14 tell me when you're ready.

15 A (Reviewing document.)

16 Q I guess I should note for the record that
17 this document bears Bates numbers E014040-000001
18 through 00012.

19 A (Reviewing document.)

20 Q Actually, it goes through 04 -- through
21 00014.

22 A Yes.

23 Q So, Mr. Kohlmann, I first want to call your
24 attention to a passage that you can find on the page
25 that bears the Bates number on the bottom right

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1 EO14040-000010.

2 A Yes.

3 Q And you see at that page there's a section
4 entitled material support to terrorism?

5 A Yes.

6 Q And the bottom of that page, the last
7 paragraph, do you see where it says based on the
8 totality of these investigative efforts and in
9 coordination with the assistant United States attorney
10 of the Southern District of New York, it was jointly
11 determined that insufficient evidence existed to
12 prosecute Thumairy, Bayoumi, and Al-Jarrah for
13 wittingly conspiring to assist the AQ hijackers in
14 furtherance of the 9/11 attack. Do you see that, sir?

15 A Yes, I do.

16 Q And, sir, this is part of an FBI electronic
17 communication determining to administratively close a
18 case related to 9/11, correct?

19 A I believe so, yes.

20 Q So -- and this communication is dated
21 May 27, 2021, correct?

22 A That's correct.

23 Q So after roughly 20 years of investigation
24 after 9/11, the FBI and the U.S. attorney's office in
25 New York close their investigation as to Mr. al -- Mr.

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1 Thumairy and Bayoumi, correct?

2 A Insomuch as there was insufficient evidence
3 for prosecution, correct.

4 Q Or an indictment, correct?

5 A Well, a prosecution would have necessitated
6 an indictment.

7 Q Right. So this is equivalent to a finding
8 of no probable cause, correct?

9 MR. CARTER: Objection.

10 THE WITNESS: I don't know that I would use
11 that language. What I would say is that they didn't
12 have -- the insufficient evidence to prosecute to what
13 they -- I believe to obtain a conviction, but I wasn't
14 involved in making that determination. I can only read
15 you what's been written right here.

16 BY MR. CURRAN:

17 Q What's been written by the FBI in
18 consultation with the U.S. attorney's office in New
19 York?

20 MR. CARTER: Objection.

21 THE WITNESS: Correct.

22 BY MR. CURRAN:

23 Q Okay. And then over on the next page which
24 bears the Bates number ending in 000011, do you see the
25 section entitled conclusion?

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1 A Yes.

2 Q After nearly 20 years after the attack, the
3 FBI has not identified additional groups or individuals
4 responsible for the attack other than those currently
5 charged which is consistent with the factual conclusion
6 of the 9/11 commission report which stated that, quote,
7 no new information to date that would alter the
8 original findings of the 9/11 commission regarding the
9 individuals responsible for the 9/11 attacks or for
10 supporting those responsible for the attacks, period,
11 close quote. Do you see that passage, sir?

12 A Yes, I do.

13 Q So, again, roughly 20 years after the 9/11
14 attack, the FBI was concluding that it had not
15 identified additional groups or individuals responsible
16 for the attack, correct?

17 MR. CARTER: Objection to form.

18 THE WITNESS: I believe the specific
19 conclusion was that they didn't have evidence to
20 prosecute the individuals that they had found, but I
21 think -- I mean, it is what -- it is what it is, what
22 it states here.

23 BY MR. CURRAN:

24 Q Yeah. So -- and this is saying that there
25 aren't additional groups or individuals responsible for

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1 the attack, correct?

2 MR. CARTER: Objection to form.

3 THE WITNESS: My understanding is that
4 they're restating what they stated previously which is
5 that they simply did not have the evidence to
6 prosecute, right? I'm not --

7 BY MR. CURRAN:

8 Q But that's not what this says, right?

9 A Right, but there's -- again, the document
10 says two different things. So, again, I didn't write
11 the documents. So I can't really comment on it, but my
12 understanding was is that, again, that they had not
13 enough evidence to be able to ascertain whether or not
14 there were additional individuals involved. They had
15 suspects, but they did not have the evidence to launch
16 an indictment.

17 Q Well, they're closing the case, correct?

18 A Yeah, but closing a case does not mean that
19 people are exonerated. Closing a case simply means
20 that there's not enough evidence to launch an
21 indictment or a prosecution.

22 Q Do you think that the FBI and the U.S.
23 attorney's office in New York would close the case
24 relating to 9/11 if -- merely because they didn't
25 currently have sufficient evidence to prosecute?

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1 MR. CARTER: Objection.

2 THE WITNESS: I am not a federal
3 prosecutor. I'm not involved in making those kind
4 of -- those kind of decisions. So I really could not
5 answer that question with any degree of confidence.

6 BY MR. CURRAN:

7 Q Yeah. And you're not a lawyer, correct, as
8 you proclaimed earlier?

9 A Correct.

10 Q But you are -- you hold yourself out to be
11 a terrorism expert and you rely upon documents like
12 this all the time, correct?

13 A I rely upon documents like this, that's
14 correct, yes.

15 Q And this document that you've -- that you
16 have in front of you is after 20 years of FBI
17 investigation of 9/11, right?

18 MR. CARTER: Objection.

19 THE WITNESS: Approximately.

20 BY MR. CURRAN:

21 Q And the 9/11 attack was the FBI's number
22 one priority in that 20-year period, correct?

23 MR. CARTER: Objection.

24 THE WITNESS: Again, I couldn't possibly
25 make an authoritative statement in that regard. I

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1 don't work for the FBI.

2 BY MR. CURRAN:

3 Q Okay. Sir, you next in your report address
4 a person by the name of Saleh al-Hussayen, correct?

5 A That's correct.

6 Q And you reference that he served as a
7 member of Al-Rajhi Bank's Sharia board from 1988 to
8 1999, correct?

9 A Correct.

10 Q He was not an employee of the bank,
11 correct?

12 A Not to my knowledge.

13 Q And, in fact, in that time period, members
14 of Sharia board were not even compensated, correct?

15 A I don't know whether that's true or not.

16 Q I'm going to refer to tab 76 and we'll mark
17 this one as EK Number 7.

18 (Kohlmann Exhibit EK7 was marked for
19 purposes of identification.)

20 MR. CARTER: Chris, can you tell us what
21 this document is?

22 MR. CURRAN: Yeah. It's an excerpt of the
23 annual report of Al-Rajhi Bank for the year 1998.

24 MR. CARTER: And it doesn't have a Bates
25 stamp. So I understand it has not been produced?

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1 MR. CURRAN: That's correct.

2 MR. CARTER: Okay. I'm just going to lodge
3 an objection to questioning the witness about an
4 Al-Rajhi document that hasn't been produced.

5 THE WITNESS: (Reviewing document.)

6 BY MR. CURRAN:

7 Q Mr. Kohlmann, in preparing your report for
8 this case, did you look at Al-Rajhi Bank annual
9 reports?

10 A I don't recall looking at this document.

11 Q Did you look at Al-Rajhi Bank's website?

12 MR. CARTER: Objection.

13 THE WITNESS: I looked at parts of it, but
14 I wouldn't -- I can't say I looked at every single
15 thing on the website. I looked at certain aspects of
16 it over time, but I don't recall which aspects I looked
17 at and which aspects I didn't offhand.

18 BY MR. CURRAN:

19 Q On this -- with respect to this document,
20 Mr. Kohlmann, I want to refer you to the final page of
21 the exhibit in front of you, page 8, which is entitled
22 conclusion, and in particular in the middle column, the
23 second full paragraph where it states, it should be
24 noted that the Sharia committee does not charge any fee
25 for its work and we pray the all mighty to reward them

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1 well for their sincere efforts. Do you see that, sir?

2 A Yes, I do.

3 Q Do you have any information contradicting
4 the notion that the Sharia board during the time that
5 Mr. al-Hussayen served was doing it voluntarily without
6 pay?

7 MR. CARTER: Objection.

8 THE WITNESS: I'm not familiar with any
9 other information than what's been presented here.

10 BY MR. CURRAN:

11 Q And according to your report,
12 Mr. al-Hussayen left the Sharia board in 1999, correct?

13 A That's correct, yes.

14 Q Which is what, two years before 9/11,
15 correct?

16 A Two years before the operation itself was
17 executed, but not -- this was concurrently while the
18 operation was in the planning stages, not that that's
19 necessarily relevant or not. I'm just making that
20 point.

21 Q Are you suggesting that Saleh al-Hussayen
22 was involved in the preparation for 9/11?

23 A I don't know.

24 Q I'm asking for your conclusion as an expert
25 being offered in this case.

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1 A I don't know. The answer is I don't know.
2 I don't have any information indicating he was directly
3 involved. I don't have any information directly
4 exonerating him, but you're asking about the period
5 about whether or not that was prior to 9/11. It was
6 prior to the execution of the attack, but the planning
7 for the attack was occurring concurrently during that
8 period.

9 Q Well, 9/11 is a date, correct?

10 A It's a date. It's also the name of a
11 particular terrorist attack. It depends on the context
12 you're referring to.

13 Q And your report states that Mr. Hussayen
14 stayed in the same hotel as what, three of the
15 hijackers on September 10th, 2001; is that right?

16 A That's accurate, yes.

17 Q And this -- you refer to Marriott Residence
18 Inn in Virginia, correct?

19 A I believe so, yes.

20 Q And that's near Dulles Airport, correct?

21 A Correct.

22 Q Not an unusual place for foreign travelers
23 to stay, correct?

24 A Are you talking about the Marriott
25 Residence Inn or near Dulles Airport?

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1 Q Both. That Marriott Residence Inn and near
2 Dulles Airport.

3 MR. CARTER: Objection.

4 THE WITNESS: I couldn't say the degree to
5 which foreign travelers frequent that or do not
6 frequent that. Certainly airport hotels are frequented
7 by international travelers, but the degree to which
8 Saudi nationals particularly frequent the Marriott
9 Residence Inn or stay there prior to travel, I couldn't
10 really say that.

11 BY MR. CURRAN:

12 Q Now, you refer to two sources or I guess
13 footnote 38 is your source for the statement about the
14 hotel; is that right?

15 A Yeah, although I believe there -- that's
16 just one example. There should be a variety of other
17 sources that point to that same information.

18 Q Well, that article that you've chosen to
19 cite in footnote 38, that specifically says there's no
20 evidence that Mr. Hussayen met with the hijackers,
21 correct?

22 A I believe the answer is is that we don't
23 know.

24 Q Well -- but you have no evidence that he
25 did, correct?

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1 A The only evidence is that they were staying
2 at the same hotel, correct, concurrently, concurrently.

3 Q And the source that you cite in footnote 38
4 specifically says there was no evidence that they met,
5 correct?

6 A There's no public evidence that I am aware
7 of. There's no public unclassified evidence that I am
8 aware of.

9 Q There's no evidence period that you're
10 aware of, correct?

11 MR. CARTER: Objection.

12 THE WITNESS: There's no -- I wouldn't be
13 familiar with nonpublic classified information. So I'd
14 just be very clear here that as far as public
15 unclassified information, I'm not familiar with any
16 information in that regard.

17 BY MR. CURRAN:

18 Q And Mr. Hussayen also has never been
19 designated or prosecuted by the United States, correct?

20 A That's correct.

21 Q You then turn to Mr. Towayan, al-Towayan,
22 correct?

23 A That's correct, yep.

24 Q And he was an employee of Al-Rajhi Bank,
25 correct?

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1 A I believe he was, yes. And he was being
2 paid by Al-Rajhi Foundation to come here and study
3 English.

4 Q And your source for that is footnote 39?

5 A That's correct.

6 MR. CURRAN: I have another document to
7 mark. This one will be EK Number 8 and this is tab 30.
8 And this bears the Bates number ARB-00040369. I'll say
9 those last three again 369 through -- actually, the
10 entire document bears that same Bates number. I guess
11 it's a one-page original, one-page original and of
12 course the translation bears the same Bates number.

13 (Kohlmann Exhibit EK8 was marked for
14 purposes of identification.)

15 BY MR. CURRAN:

16 Q On this one, Mr. Kohlmann, the highlighting
17 is in the original, so that's not a lawyer thing.

18 A Okay.

19 (Reviewing document.)

20 Q Mr. Kohlmann, have you seen this document
21 before?

22 A I believe at some point, yes.

23 Q It is an internal Al-Rajhi Bank document,
24 correct?

25 A Correct, yes.

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1 Q It is a memorandum from the director of the
2 Sharia oversight office at Al-Rajhi Bank dated or
3 corresponding to the date September 4, 2000, correct?

4 A Correct.

5 Q And the first sentence of the text of the
6 memorandum states I would like to convey to your
7 eminence the application of the lead overseer in the
8 Sharia oversight branch, Mr. Towayan bin Abdul Towayan,
9 in which he requests a study leave in order to study
10 English for six months. Do you see that, sir?

11 A Yes.

12 Q So according to this memorandum,
13 Mr. al-Towayan was requesting a leave to study English
14 for six months, correct?

15 A Correct.

16 Q And there's no reference to the United
17 States, correct?

18 A I don't believe so. I don't see one in
19 here.

20 Q And in stating that the request is coming
21 from Mr. al-Towayan, that's inconsistent with what's
22 quoted in your report which states that he was sent to
23 the United States in 2000 purportedly to study English
24 at the behest of Al-Rajhi, correct?

25 A I disagree. It plainly states here that

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1 the importance of English in various oversight
2 operations in the company, this creates an obstacle for
3 the overseers who do not know English. Among the
4 reasons for Mr. Towayan to learn English is as the most
5 senior overseer in the office, he is now taking on the
6 responsibility of the lead overseer. His growth in
7 English would be a significant motivator for him in
8 refining his oversight experience.

9 In my view, it certainly sounds like this
10 is -- this is something where he is being encouraged to
11 go to the United States to seek English or being
12 encouraged -- sorry -- not to go to the United States,
13 but to go overseas in order to learn English properly
14 for -- specifically for his job responsibilities.

15 Q Again, the memorandum says nothing about
16 the United States, correct?

17 A Correct.

18 Q And you recognize the United States is not
19 the only place in the world where people speak English?

20 A Correct.

21 Q And the memorandum specifically says that
22 Towayan is making the request which what, in your
23 judgment, that's the same thing as at the behest of
24 Al-Rajhi?

25 MR. CARTER: Objection to form.

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1 THE WITNESS: It appears to be. This is a
2 decision he's making in cooperation with his overseers
3 at the actual bank. That's my perception here from
4 what's being discussed. It doesn't seem like he's
5 doing this for personal reasons. It seems like he's
6 doing this specifically in order to carry out his
7 business responsibilities and thus it is something
8 where he may be requesting assistance, but it's part of
9 his job.

10 BY MR. CURRAN:

11 Q Okay. Well, the director of the Sharia
12 office is justifying and perhaps supporting a request
13 from Mr. al-Towayan, correct?

14 MR. CARTER: Objection to form.

15 THE WITNESS: I think you can characterize
16 it however you like, but the way I characterize it is
17 it appears to be going at the behest of the bank. He's
18 not doing this for personal reasons. He's doing this
19 for -- specifically in order to carry out his
20 responsibilities at the bank which he's unable to do
21 unless he does this. And he's been told that.

22 BY MR. CURRAN:

23 Q Okay. Let's also look at the note in the
24 bottom right which in the original is handwritten. Do
25 you see -- and it appears in bolded text on the English

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1 translation. Do you see where it says no objection
2 provided that all expenses including travel,
3 accommodation, board and studies are at his own
4 expense, period? The company shall not bear any of
5 said expenses. May God grant him success and guidance.
6 And then there's a date corresponding I guess to
7 August 20th, 2000. Do you see that?

8 A Correct, yes.

9 Q Now, your report says that Al-Rajhi is
10 paying for all of his related costs. Is that
11 consistent with what's in this memorandum?

12 A Is this the original source from which I
13 took this from? No, it's not.

14 Q No, it's not.

15 A So I'd have to see the original source in
16 order to compare the two and understand why the -- what
17 the -- what the contradiction is here.

18 Q We can show you the original source.

19 MR. CURRAN: I will ask the court reporter
20 to mark the next document. This is tab 31 and it bears
21 the Bates number E014040-002857 through 63. This will
22 be marked as EK9.

23 (Kohlmann Exhibit EK9 was marked for
24 purposes of identification.)

25 BY MR. CURRAN:

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1 Q And, Mr. Kohlmann, you'll see that this is
2 an FBI memorandum and the passage that is relevant here
3 I think you'll find on the page with the Bates number
4 ending in 2860, in the second full paragraph.

5 A Sure.

6 Q So your -- in your report, you were relying
7 on an FBI memorandum shortly after 9/11, right, from
8 September 27, 2001?

9 A This is a memorandum of an interview with
10 al-Towayan.

11 Q From that period. From that -- well, the
12 memorandum is dated September 27th, 2001, correct?

13 A Correct.

14 Q So you recognize or do you agree that there
15 is tension between the ordinary course document from
16 Al-Rajhi Bank's files related to Mr. Towayan's leave of
17 the absence and the FBI memorandum?

18 A There appears to be a disagreement here,
19 but this is the more recent document. So it's possible
20 that something changed after this. This is
21 corresponding to September of 2000 whereas this is
22 September of 2001. So I don't know what happened in
23 the interim, but it's possible that something changed.

24 Q I'd like to direct your attention to --
25 well, it's the same page that I directed you before

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1 ending in 2860. And it's right above the passage that
2 I referred you to about Towayan and his study of
3 English. At the top of that page, the first full
4 sentence there says redacted name was cooperative and
5 provided the following information regarding
6 al-Towayan.

7 Doesn't that indicate to you that the
8 source of the information in this memorandum was
9 someone other than Mr. al-Towayan?

10 A It's possible, but I couldn't say -- I
11 couldn't say with full authority.

12 Q Using your expertise in this area, please
13 interpret what you think that sentence means that I
14 just read.

15 A Which sentence?

16 Q Redacted was cooperative and provided the
17 following information regarding al-Towayan, colon.

18 A Somebody that the FBI interviewed provided
19 information about al-Towayan.

20 Q So this memorandum and that passage that we
21 have been focused on was from the person whose name's
22 redacted, not Mr. al-Towayan, correct?

23 A I don't know who -- what the name of the --
24 I don't know who the source of the information was. So
25 it seems like it might be someone separate, but it's

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1 not -- I couldn't say that with authority.

2 Q So your interpretation is that the redacted
3 name might be al-Towayan?

4 A It could be anybody.

5 Q Based on your experience all these years in
6 terrorist investigation, your conclusion is that it may
7 be al-Towayan himself who provided this information and
8 that his name was redacted in the first part of the
9 sentence but not the latter part?

10 A My conclusion is is that with a name that's
11 redacted, I have no idea who that person is. I
12 couldn't say with authority who it is.

13 Q So that leaves open the possibility that
14 whoever was being interviewed was providing secondhand
15 information about Mr. Towayan's travel to the U.S.,
16 correct?

17 A It's possible.

18 Q Yeah. And that such a person might not get
19 all the facts exactly right as to whether the trip was
20 at the behest of Al-Rajhi or was suggested first by
21 Mr. al-Towayan by a request?

22 A I don't have any --

23 MR. CARTER: Objection.

24 THE WITNESS: I don't have any way of
25 knowing that.

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1 BY MR. CURRAN:

2 Q And -- okay. And you're like an expert in
3 like comparative analysis and assessing credibility of
4 various documents, right?

5 A Correct.

6 Q So is it your sworn testimony here today
7 that an FBI interview report of some unknown person who
8 does not appear to be Mr. al-Towayan has credibility
9 that trumps an ordinary course document from Al-Rajhi
10 Bank's files related to the exact leave of absence?

11 MR. CARTER: Objection.

12 THE WITNESS: Honestly I don't know. I
13 would have to know more about the sourcing and I -- the
14 timing here is interesting to me because, again, this
15 comes a year afterwards. Sometimes with these kind of
16 things, the initial -- there is no initial support for
17 folks that initially afterwards the government or the
18 company decides to fund their trips or whatnot. I have
19 no way of knowing. Without knowing more about the
20 context, I don't know.

21 BY MR. CURRAN:

22 Q Let's just take as context what you do
23 have.

24 A Okay.

25 Q Have you seen any information that there

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1 was ever any variance from the memorandum from
2 September 2000 as to Mr. al-Towayan's leave of absence?

3 A This document.

4 Q That document, you consider that to be
5 authoritative evidence contradicting this?

6 A I consider it to be significant evidence
7 contradicting it, yes.

8 Q Okay.

9 A Whether or not Mr. Towayan was being funded
10 or not, I can't a hundred percent say, but I -- this is
11 the more recent document. This was issued over a year
12 after this one and I know specific instances where
13 people -- the nature of their activities, how it was
14 being funded by their employers or by the Saudi
15 government changed over time. So this is the most
16 recent document. Again, it's a human source. I don't
17 know who the human source was. It's possible that
18 there's a reason for the contradiction, but I'm not --
19 I'm not aware of what it is.

20 Q So you stand by your report in this regard?

21 A I stand by the sourcing. I think it's
22 probably fair to also acknowledge this document as well
23 in the sense that it states initially that this person
24 was not going to be funded, but I don't know that that
25 was always the case or that ultimately was the case.

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1 Q But you didn't refer to this internal --
2 this internal Al-Rajhi Bank memorandum in your report,
3 correct?

4 A That's fair. I did not.

5 Q And you previously in your testimony here
6 today recalled having seen it before, correct?

7 A I remember seeing it at some point, yes.

8 Q So why didn't you refer to that in your
9 report?

10 A Again, this was the more recent version.
11 It was an FBI document. It seemed to be more
12 authoritative than something that had a handwritten
13 note on the side. That is the basis usually of how you
14 assess documents, but, again, it's probably fair to
15 acknowledge the fact that at least initially they were
16 discussing about not paying expenses.

17 Q Okay. But when you say an FBI report or
18 memorandum, it's an FBI report or memorandum of an
19 interview of someone whose identity you don't know,
20 correct?

21 A True.

22 Q And you're elevating that incredibility
23 over the internal realtime document, correct?

24 A This may not necessarily be a
25 contradiction. Do you understand what I'm saying is is

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1 that initially there may have been a decision not to
2 fund his activities whereas it may have changed over
3 time. Since these documents are not contemporaneous in
4 time, they are separated by more than a year, it's
5 impossible for me to know whether or not this means
6 that he definitely did not receive support. This is
7 the source that is most recent.

8 Q So we've already seen in EK Exhibit 6 that
9 the FBI in September of 2021 concluded that it had not
10 identified additional groups or individuals responsible
11 for the attack other than those currently charged,
12 right?

13 A Individuals that it had sufficient evidence
14 to prosecute, to launch an indictment, correct, yes.

15 Q Well, it doesn't say that. I mean, I was
16 quoting from the document, right? So -- well, let me
17 quote it again. Under conclusion -- this is on page
18 EO14040-000011. Conclusion. After nearly 20 years
19 after the attack, the FBI has not identified additional
20 groups or individuals responsible for the attack other
21 than those currently charged. Do you see that, sir?

22 A I do.

23 Q Did I read it correctly?

24 A Yes, but, again, if you look at the
25 paragraph directly before that, it clearly states it

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1 was jointly determined that insufficient evidence
2 existed to prosecute Thumairy, Bayoumi and al-Jarrah
3 for wittingly conspiring. So, again, based on the
4 context here, it appears what they're saying is that
5 there's insufficient evidence.

6 Q And this is the most recent FBI statement
7 on its 9/11 investigation, correct?

8 MR. CARTER: Objection.

9 THE WITNESS: The most recent public
10 statement, I believe so.

11 BY MR. CURRAN:

12 Q Mr. Kohlmann, on the top of page 11 of your
13 report, you refer to several Islamic charities in
14 Northern Virginia near Washington, D.C. that were
15 raided by U.S. counterterrorism investigators in March
16 2002. Do you see that, sir? Actually, before I get --
17 before I get there, I've got one more question on
18 Towayan.

19 A Sure.

20 Q In the last sentence of -- it starts on the
21 bottom of page 10 and goes to page 11. You write
22 according to the FBI, Towayan had significant direct
23 and indirect contacts with several suspects and active
24 participants in the World Trade Center attacks
25 including Omar al-Bayoumi and hijacker Hani Hanjour and

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1 for that, you cite footnote 40, correct?

2 A Correct.

3 Q I'd like to -- so I'd like to refer you to
4 Exhibit 9, EK9 which is, yes, that same FBI report and
5 in particular page EO14040-002858.

6 A Sure.

7 Q Do you see there where it says that the --
8 toward the bottom review of rental records has
9 determined Towayan Abdullah al-Towayan moved into
10 redacted San Diego, California on April 6, 2001, and
11 moved out August 5, 2001?

12 A Yes.

13 Q Okay. So the period that Towayan was in
14 that location in San Diego was April 6, 2001, moved out
15 August 5, 2001.

16 MR. CURRAN: Now I'd like to show you
17 another exhibit. This is another excerpt from the 9/11
18 commission report and we'll mark this as EK10. This is
19 tab 32 electronically.

20 (Kohlmann Exhibit EK10 was marked for
21 purposes of identification.)

22 BY MR. CURRAN:

23 Q So, Mr. Kohlmann, you're -- of course,
24 again, you're familiar with the 9/11 commission report.
25 I want to call your attention to a couple of excerpts

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1 in these pages. First on the report page 223, do you
2 see that in the second paragraph, it states on
3 December 8th --

4 A I'm sorry. One moment.

5 Q Sure. Are you with me?

6 A Yes.

7 Q Okay. Do you see where it says on
8 December 8, 2000, Hani Hanjour arrived in San Diego
9 having traveled from Dubai via Paris and Cincinnati?
10 Hansi likely picked up Hanjour at the airport. We do
11 not know where Hanjour stayed. A few days later, both
12 men left San Diego.

13 Next I'd like to refer to page 226. The
14 bottom paragraph there which begins Hansi and Hanjour
15 left San Diego almost immediately and drove to Arizona,
16 and then it goes on to talk about settling in Mesa. Do
17 you see that?

18 A Yes.

19 Q And then on the final page of this excerpt,
20 page 227, there's a carryover paragraph that ends with
21 by as early as April 4, Hanjour and Hansi had arrived
22 in Falls Church, Virginia.

23 Okay. So if you're with me, according to
24 the 9/11 commission report, Hanjour left San Diego a
25 few days after December 8, 2000, and almost

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1 immediate -- which the report calls almost immediately
2 and drove to Arizona and settled there and then arrived
3 in Falls Church, Virginia as early as April 4, 2001.

4 So given those dates, Hanjour and
5 al-Towayan did not overlap in San Diego, correct?

6 A I'm not sure you could necessarily say
7 that. Number one, by as early as is not on April 4th
8 and, number two, these individuals were in and out of
9 San Diego. So I honestly couldn't -- I couldn't say
10 that.

11 Q So do you think the 9/11 commission report
12 failed to account for Hanjour being in San Diego
13 sometime after December of 2000?

14 A I don't know. It's possible, but I don't
15 know. But by as early as April 4th tells me that they
16 weren't sure exactly about the date.

17 Q This is -- the 9/11 commission report was
18 after considerable investigation, correct?

19 A Correct. But this is not -- this is not
20 definitive in the least. By their own language, it's
21 not definitive in the least.

22 Q Okay. But they were -- they were arriving
23 in Falls Church, Virginia from Arizona, not from San
24 Diego, right?

25 A My understanding is is they traveled back

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1 and forth between Arizona and San Diego, but I couldn't
2 say that with authority. I would rely on what the
3 FBI's source is.

4 Q The FBI sourcing from your footnote 40?

5 A Correct, yes.

6 Q But I thought you credited more recent
7 investigative reports?

8 A I did, but, again, this is not definitive.
9 They say by as early as. That's not definitive.

10 Q But that's arriving in Virginia. That says
11 nothing about being in San Diego.

12 A I know, but there's nothing in here that
13 says that they weren't -- they didn't visit San Diego
14 again either. There's nothing in this that's
15 inherently contradicting of this.

16 Q Sir, in your experience, don't you think
17 when there are investigations of events like 9/11 or
18 similar, but perhaps smaller criminal matters, you
19 know, often in the early stages, some facts are wrong
20 and they get clarified over time through further
21 investigation?

22 A It's possible.

23 Q All right. Now I'll turn back to page 11
24 of your report where there's the reference to several
25 Islamic charities in Northern Virginia near Washington,

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1 D.C. that were raided by U.S. counterterrorism
2 investigators in March 2002. Do you recall that
3 passage in your report?

4 A I do.

5 Q Sir, charges were not brought against those
6 Islamic charities, correct?

7 A Actually, I believe one of them was the
8 subject of a designation eventually which is Tide
9 International, but I don't know if all of them were
10 subject to criminal charges.

11 Q Were any of them subject to criminal
12 charges?

13 A Well, like I said, I believe one of them,
14 Tiba, was subject to a -- subject to a -- an SDGT, but
15 I don't know if all of them were.

16 Q And you then go on to discuss al-Heramain
17 Charitable Foundation, correct?

18 A Correct.

19 Q And earlier in your report, you refer to
20 al-Heramain I think among others as a fraudulent
21 charity?

22 A Correct.

23 Q And it's fraudulent because it holds itself
24 out as doing charitable and philanthropic endeavors,
25 but diverts money to other causes as well. Is that

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1 what you mean by fraudulent?

2 A What I meant by fraudulent was that not
3 just individual branches on the charity, but that the
4 organizers in Saudi Arabia, the principals behind the
5 charity were involved in obvious instances of money
6 laundering, terrorist financing, funding armed
7 conflict, things that were not being disclosed to some
8 of the donors but were being disclosed to other donors.
9 Also on the basis of, again, just money laundering.
10 Charities do not engage in money laundering as part of
11 normal operations. And if they are, that -- that is
12 fraudulent.

13 Q So at least some donors to these fraudulent
14 charities are victims, correct?

15 A In the case of al-Heramain, I would say
16 that most of the folks that got deceived were people
17 based outside of Saudi Arabia because already by 1995
18 in Saudi Arabia, al-Heramain's reputation was widely
19 known. It's possible that others outside of the
20 kingdom particularly those who donated to al-Heramain
21 in the United States in places like Oregon, Missouri,
22 they might have had a misguided view.

23 But it would have been difficult to
24 understand because al-Heramain advertised in English
25 and Arabic, in multiple languages the fact that it was

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1 interested in armed conflict. It was interested in
2 supporting individuals involved in armed conflict. It
3 was getting regular updates about specific armed
4 conflicts. Thus is it possible it deceived someone
5 living in Portland, Oregon into donating money, yeah, I
6 think so.

7 But individuals inside Saudi Arabia, it
8 would be difficult to understand. Also because of the
9 fact that individual branches of al-Heramain had been
10 shut down already by 1998 in Kenya, in Macedonia. The
11 Bosnian Muslim Army had warned people that al-Heramain
12 was a fraud. So, again, individuals maybe outside of
13 the kingdom, but inside the kingdom, it would be
14 difficult to understand, that people didn't know that
15 it was funding armed conflict.

16 Q When was al-Heramain Saudi Arabia first
17 designated by the United States?

18 A It was first designated in 2000 -- sorry --
19 2000 -- al-Heramain Saudi Arabia, the --

20 Q Yes.

21 A 2006, I believe, 2007, 2006.

22 Q And al-Heramain as you've already
23 referenced I think maintained a presence in the United
24 States, correct?

25 A Correct.

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1 Q And its U.S. presence had 501(c)(3) status
2 here, correct?

3 A For some time, it did.

4 Q In your report, you state on page 11 that a
5 member of the Al-Rajhi clan, Sheikh Abdulsalam
6 Al-Rajhi, sits on the administrative board of
7 al-Heramain. Do you see that, sir?

8 A Yes.

9 Q Your report does not state or suggest that
10 Sheikh Abdulsalam -- I'll say that name again -- Sheikh
11 Abdulsalam --

12 A Abdulsalam.

13 Q -- Al-Rajhi was an employee of Al-Rajhi
14 Bank, correct?

15 A I don't know if he is or he wasn't. I
16 couldn't say that.

17 Q Did you investigate that?

18 A I don't recall whether I did or not. It
19 wasn't germane to this particular piece of my research.
20 So I don't remember if I did or didn't.

21 Q But you don't -- you don't offer any
22 evidence that he was employed by the bank or had any
23 connection to the bank, do you?

24 A I don't recall, but I don't know offhand
25 whether he was an employee or not.

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1 Q And you refer to a member of the Al-Rajhi
2 clan. By clan, do you mean the same last name?

3 A No. Well, I mean the family. The family
4 is a very well-known family. The family has worked
5 together on various different projects, but the family.

6 Q Okay. And what's your source for your
7 apparent belief that Sheikh Abdulsalam Al-Rajhi was
8 part of the same Al-Rajhi family?

9 A I'm only familiar with one Al-Rajhi family
10 in Saudi Arabia where individuals may be referred to as
11 Sheikh meaning like a person of some significance. If
12 you -- in Saudi Arabia, the Al-Rajhi family is very
13 famous. It would be like saying Donald Trump or
14 something like that. It's a very famous last name in
15 Saudi Arabia.

16 Q But there are people named Trump in the
17 United States who have no family ties to Donald Trump.

18 A But with the word Sheikh in front meaning
19 leader is significant, I believe it's someone from that
20 clan.

21 Q But you didn't investigate that?

22 A I don't recall if I did or I didn't
23 honestly.

24 Q You don't remember any results of any such
25 investigation?

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1 A I don't remember anything in my research or
2 this that would have led me to believe this person was
3 from a different family than the famous Al-Rajhi
4 family.

5 Q And there's nothing in your report showing
6 one way or the other whether this guy was connected to
7 what you call the famous Al-Rajhi family?

8 A Again, as far as I understand it, there was
9 only one Al-Rajhi family in Saudi Arabia especially one
10 that would be referred to with an honorific like
11 Sheikh, certainly one that is involved with Islamic
12 charities in prominent roles in Saudi Arabia, but
13 honestly I have to look back and see. I don't recall.

14 Q There are thousands of people named
15 Al-Rajhi in Saudi Arabia, correct?

16 A I don't know the exact number.

17 Q I'm not asking you the exact number, but
18 there are thousands, right?

19 A I don't know what -- I don't -- I wouldn't
20 have --

21 Q Give me your estimate. How many people
22 named Al-Rajhi do you think?

23 A I would not -- I would not offer -- I would
24 not speculate in that regard.

25 Q Ballpark?

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1 A I would not speculate in that regard. I
2 have -- I have --

3 Q You have no idea, right?

4 A I am familiar with one prominent family in
5 Saudi Arabia, the Al-Rajhi family that is involved with
6 Islamic charities and that is referred to with names
7 like al-Sheikh. But, again, I would have to look back.
8 I don't recall offhand.

9 Q Okay. But separate from the family, you've
10 got no indication that this Sheikh Abdulsalam Al-Rajhi
11 has any connection to Al-Rajhi Bank, correct?

12 A I would -- I don't know offhand. I'd have
13 to look into it.

14 Q Well, you haven't looked into it?

15 A I don't recall. I'd have -- again, I
16 didn't mention it here, but that doesn't necessarily
17 mean I didn't look into it. I have to refer -- I'd
18 have to review back and see. I know --

19 Q This report is your -- is your complete
20 statement of your opinions, correct?

21 A Correct. But that's not necessarily
22 everything in the world that I know or I've ever seen.
23 I would have to look back and see whether or not I have
24 other records indicating he was a bank employee. I
25 didn't mention it in this regard, no.

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1 Q So we've talked about designations a number
2 of times during the testimony today. Are you aware of
3 anyone at Al-Rajhi Bank, the bank itself or anyone
4 affiliated with Al-Rajhi Bank that ever made a donation
5 to a charity that had been designated by the United
6 States at that time?

7 A Let me just clarify what you're asking.
8 You're asking am I aware of anyone from the -- from
9 Al-Rajhi Bank or an Al-Rajhi Bank official that sent
10 money to a charity after it was formally designated?

11 Q Yes.

12 A Not offhand, no.

13 Q Well, that's something you would have
14 looked at, right?

15 A If I had the records or information. I
16 mean, again, bank records, I don't -- those are
17 nonpublic records, right? So unless it was an issue
18 that had been come up in the context of a law
19 enforcement investigation or was material that had been
20 provided to me as part of this case, but I can't think
21 of any specific examples where people would have sent
22 money to a designated entity after it was designated,
23 not to mention the fact that I don't think it's
24 possible because once the entity is designated, that
25 means that their financial accounts are frozen which

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1 means that in order to get money to them, it would
2 almost be impossible. There would be no means of
3 sending money to them other than maybe cash.

4 Q Just to be clear, when you talk about
5 having access to documents --

6 A Right.

7 Q -- you relied on the plaintiff's counsel to
8 provide you with the relevant documents, correct?

9 A Not in the entirety, no. Most of the
10 information that I relied on in this case was actually
11 information that came out of my own -- my own holdings
12 from having worked with government investigators on the
13 al-Heramain case or other cases. Certainly I was also
14 provided documents by plaintiff's counsel, but I don't
15 have access to nonpublic documents that were not
16 provided to me by plaintiff's counsel or that were not
17 otherwise available.

18 Q But you know we've been conducting years of
19 discovery and that the plaintiff's counsel have
20 obtained thousands and thousands of documents from
21 Al-Rajhi's files? You know that, right?

22 A I'm aware that they have obtained files and
23 I have seen some of them. The degree to which they
24 have complete discovery over everything that is in
25 Al-Rajhi's files or that -- I don't have any way of

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1 knowing that. I don't think -- maybe know one does. I
2 don't know.

3 Q So I think you said that you're at least
4 not aware of any donations by Al-Rajhi Bank or anybody
5 affiliated with Al-Rajhi Bank to any charities that
6 were designated at the time?

7 A No. No, I didn't say that. I said I'm not
8 aware of any donations after the organizations were
9 formally designated.

10 Q Yeah.

11 A But that's different than what you said.
12 I'm aware of them providing money to the charities just
13 before they were formally designated.

14 Q Yeah.

15 A But I don't see how you could actually
16 provide money to an organization once it's designated
17 because their banks accounts would be frozen. It would
18 be almost impossible to send money to them in any
19 context other than maybe cash.

20 Q Well --

21 A And I'm not familiar with any particular
22 cash donations offhand that have been documented post
23 designation to these charities from -- from principals
24 of Al-Rajhi Bank.

25 Q And in your investigation and in your

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1 report, you also do not identify any transactions that
2 Al-Rajhi Bank engaged in or permitted involving a
3 designated person, correct?

4 A After the designation was already issued.
5 Prior to the designation issued, there's multiple
6 examples. But after the designation was issued, again,
7 not only did I not see it, but I don't think -- I don't
8 see how it would be possible other than through cash.
9 There would be no ways of sending a wire transfer to an
10 organization that has been banned under OFAC because
11 the Swiss system would reject those -- would reject
12 those transactions to begin with even if you tried to.

13 Q So you're not aware of any such
14 transactions?

15 A After the designations were issued. Prior
16 to the designations, yes, but not after the
17 designations.

18 Q So on page 12 of your report, the first
19 sentence up top states discovery in the litigation. So
20 you did -- so you have had access to some of the
21 discovery in the litigation, correct?

22 A Yes.

23 Q Whatever the plaintiff's lawyers chose to
24 provide to you, correct?

25 A Correct.

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1 Q Discovery in the litigation has produced
2 account statements and other materials for the Sulaiman
3 Abdulaziz Al-Rajhi Charitable Foundation's account at
4 ARB which identify at least 25 payments to al-Heramain
5 and one payment to Aqeel Al-Aqeel. I guess that's a
6 comma, the former head of al-Heramain and an EO13224
7 specially designated global terrorist --

8 A Correct.

9 Q -- SDGT --

10 A Correct.

11 Q -- citing footnote 50. So you don't state
12 when Aqeel Al-Aqeel became a specially designated
13 global terrorist?

14 A I do, but it's in the footnote.

15 Q In footnote 50?

16 A Yes, that's correct.

17 Q Okay. So -- and there you're referring to
18 June 2nd, 2004?

19 A That's correct, yes.

20 Q Okay. But in the -- in the sentence that I
21 read and in the associated footnotes, you don't state
22 when the payments were made by the charitable
23 foundation to al-Heramain and the one payment to Aqeel
24 Al-Aqeel, correct?

25 A That's correct.

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1 Q And, in fact, all of those payments were
2 before any designation of al-Heramain or Aqeel
3 Al-Aqeel, correct?

4 A That's correct, yes.

5 Q So in footnote 49, you identify the one
6 payment from the foundation to Aqeel Al-Aqeel, correct?

7 A I believe it's a foundation, but I believe
8 actually the check was signed by Sulaiman Al-Rajhi.

9 Q Okay. But that's the payment to Aqeel
10 Al-Aqeel that you're referring to in the text?

11 A That's correct, yes.

12 Q And you don't provide the date of that
13 check, correct?

14 A No, I do not.

15 Q Why? Why didn't you include that?

16 A I didn't necessarily think it was germane
17 to the point I was making.

18 Q Well, hold on. Don't you think that that
19 sentence suggests that the payment to Aqeel Al-Aqeel
20 was at a time when he was specially designated as a
21 global terrorist?

22 MR. CARTER: Objection.

23 THE WITNESS: That was not the intent, no.
24 Also as I said, I don't see how it would be possible to
25 send money in the form of a check or a wire transfer to

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1 someone post designation. It's not possible. So I
2 thought it was simply -- that was sort of I think
3 obvious.

4 BY MR. CURRAN:

5 Q But the check in question was from 1999,
6 correct?

7 A I believe so, yes.

8 Q So that's like five years before the
9 designation?

10 A Give or take, yes.

11 Q Okay. And you don't think that's germane
12 to the account you're providing here?

13 A Again, since it's impossible to send a wire
14 transfer to someone who's been designated, it's
15 impossible to send them a bank check. I just thought
16 it was -- it sort of went without saying that the
17 transactions had to have taken place before the
18 designation.

19 Q Aren't you concerned about misleading the
20 Court here?

21 MR. CARTER: Objection.

22 THE WITNESS: No.

23 BY MR. CURRAN:

24 Q No?

25 A No.

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1 Q Don't you think that it would have been
2 appropriate to include the date of the check when
3 you're identifying who wrote the check, who the
4 recipient was and the amount and in the same sentence,
5 you're saying that the recipient was a specially
6 designated global terrorist?

7 MR. CARTER: Objection.

8 THE WITNESS: In 1999, that was already
9 post several of al-Heramain's branches including
10 al-Heramain branches in the Balkans of having been
11 forcibly closed down for allegations of terrorist fund
12 raising. But like I said, because of the fact that
13 it's basically impossible to send a check or a wire
14 transfer to someone post the designation, I thought it
15 was inherently obvious that those had to have taken
16 place prior to the designation.

17 BY MR. CURRAN:

18 Q And even by 2004, al-Heramain and its
19 headquarters in Saudi Arabia still was not designated,
20 correct?

21 A It was not formally designated, that is
22 correct.

23 Q Well, not formally designated. It was not
24 designated, correct?

25 A When I say that because Aqeel Al-Aqeel was

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1 designated as an SDGT as of 2004. He was the head of
2 the office in Saudi Arabia. So while the organization
3 as a whole had not been formally designated, the head
4 of the organization in Saudi Arabia was black listed as
5 an SDGT at that point.

6 Q And no longer was the head of al-Heramain?

7 A As the result of the designation?

8 Q Yeah.

9 A Yeah. But I think, again, I -- when the
10 head of an organization is named as an SDGT at that
11 point, it sort of goes without saying that they can no
12 longer remain head of the charity.

13 Q Yeah. No. But my point is that the U.S.
14 decided not to designate al-Heramain KSA at that
15 time --

16 A I cannot --

17 Q -- when you know they didn't designate?

18 A Deciding -- deciding not to is different
19 from not having done something. My understanding from
20 reading the various U.S. documents is that the United
21 States government wanted to take further action, but
22 was waiting for the Saudis to see what they would do
23 internally first.

24 Whether or not they wanted to designate the
25 entire charity at that point or not based on my reading

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1 of this, they did want to designate it at that point,
2 but they were hoping that the Saudis would take more
3 action on their own. That's my -- that's based on my
4 reading of these documents.

5 Q You know that the U.S. purposefully
6 designated al-Heramain branch offices and not the
7 headquarters at various times, correct?

8 MR. CARTER: Objection.

9 THE WITNESS: Once again, when -- when an
10 organization has branch offices and then has the head
11 of the organization in the country of origin designated
12 as an SDGT, to me that typically means that a formal
13 designation of the whole organization is probably
14 forthcoming. The fact that the U.S. government decided
15 to wait several years to do that, I could speculate as
16 to why.

17 My speculation would be that again based on
18 what I understand from other U.S. government documents
19 that the U.S. government had decided to encourage Saudi
20 Arabia to take action on its own instead of
21 embarrassing the government by designating an office
22 inside the kingdom, but that is just based on my
23 understanding of reading the documents and then seeing
24 the ultimate conclusion what happened with al-Heramain
25 just a few years later when the head office itself is

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1 designated as well.

2 BY MR. CURRAN:

3 Q Okay. But after Ageel Al-Ageel was
4 designated in June of 2004, it was still lawful for
5 U.S. persons to make donations to al-Heramain KSA,
6 correct?

7 A I don't know. Actually, I don't know. I
8 don't know if -- I don't know how lawful it was. It
9 may --

10 Q It wasn't violating any designation?

11 A It may not have been violating
12 designations, but that doesn't necessarily mean someone
13 wouldn't have faced criminal prosecution later for it.

14 Q There was nothing per se -- it was not
15 violating any designation law, correct?

16 A Not that I'm aware of, no.

17 MR. CURRAN: I'd like to mark the document
18 cited in footnote 49, tab 34, and I'll ask the court
19 reporter to mark this as EK11.

20 (Kohlmann Exhibit EK11 was marked for
21 purposes of identification.)

22 BY MR. CURRAN:

23 Q And this is -- the original is one page and
24 it bears the Bates number NL0010245. So obviously the
25 translation bears the same Bates number. So, Mr.

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1 Kohlmann, first of all, the Bates number that I read
2 NL0010245, that is the Bates number that you provide in
3 footnote 45, correct?

4 A I'm not sure. Assuming that it appears to
5 match 10245.

6 Q I'm sorry. Is there some doubt in your
7 mind?

8 A I'm not an expert on Bates numbers.

9 Q Well, okay. I'm just asking the number
10 that you typed in footnote 49 is NL10245.

11 A Yes.

12 Q And that's what's been placed in front of
13 you, correct?

14 A That's correct, yes.

15 Q Okay. And in your footnote, you describe
16 this document as being a check in the amount of 187,500
17 riyals, correct?

18 A That's correct, yes.

19 Q And that, in fact, is the amount of the
20 check shown on NL0010245, correct?

21 A I believe so.

22 Q But in footnote 49 and in the text
23 accompanying it, you describe the check and the
24 associated payment as one to Aqeel Al-Aqeel, correct?

25 A That's correct, yes.

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1 Q In fact, the check is -- states on its face
2 paid to the order of al-Heramain Charitable Foundation,
3 correct?

4 A That's correct.

5 Q And this is in the same context in which
6 you're making the point that Aqeel Al-Aqeel was a
7 specially designated global terrorist, correct?

8 A In the gen -- well, yes. Basically, yes.

9 Q And you've already acknowledged that
10 al-Heramain was not designated not only in 2004 but was
11 not designated in 1999, correct?

12 A That's correct.

13 Q Don't you think you run the risk of
14 misleading the Court when you describe a check as to
15 Aqeel Al-Aqeel and is a payment to Aqeel Al-Aqeel when
16 the check is written out to al-Heramain Charitable
17 Foundation?

18 MR. CARTER: Objection.

19 THE WITNESS: Not when the letter is
20 addressed to his excellence, the honorable Sheikh Aqeel
21 bin Abdullah Al-Aqeel, no. I think that's a pretty
22 fair characterization.

23 BY MR. CURRAN:

24 Q Okay. So, here again, you stand by your
25 report?

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1 A Yes.

2 Q So you think that this is a Sulaiman
3 Al-Rajhi check to Aqeel Al-Aqeel?

4 A It is. It's for deposit into the charity,
5 but the check was mailed to Aqeel Al-Aqeel personally.

6 Q Mailed to him?

7 A Or was sent to -- I don't know mailed to
8 him. It was sent to him directly personally and it was
9 addressed to him personally.

10 Q So that makes it a check to Aqeel Al-Aqeel
11 and that makes it a payment to Aqeel Al-Aqeel?

12 A I think what I'm trying to suggest here is
13 that there's a difference between sending a check to a
14 charity versus sending a check to an individual at the
15 charity including someone who is specifically in a very
16 position of authority at the charity. In this case,
17 what I was trying to distinguish here were payments
18 that were simply sent to the charity without
19 necessarily Aqeel's name being mentioned versus this
20 where the check is actually -- sorry. The check is
21 actually being sent directly to Aqeel Al-Aqeel for
22 deposit in the charity.

23 Now, I don't think there's any basis for
24 confusion. If there's any basis for confusion, I'm
25 happy to state that the check was actually made out to

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1 al-Heramain, but it was sent directly to Aqeel
2 Al-Aqeel. That's the purpose of what I was trying to
3 say.

4 Q Okay. Just to be clear, this wasn't a
5 mistake by you, but you think it was a fair
6 characterization by you in your report?

7 A Yes.

8 Q So you stand by the descriptions in the
9 text and in footnote 49?

10 A Yes.

11 Q And you don't think that there's any risk
12 of misleading the Court or anyone else in the way you
13 characterize things?

14 A Not in my mind, no.

15 Q And --

16 A I mean, I should add obviously that's why I
17 footnoted to the check and everything. I didn't
18 deliberately deceive anyone here.

19 Q Well, come on. You didn't identify the
20 date and you didn't identify the true recipient. So
21 don't give me any nonsense about not trying to mislead
22 anyone.

23 MR. CARTER: Objection. Chris, don't argue
24 with him.

25 MR. CURRAN: Well, he shouldn't be

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1 volunteering things when there's no question pending.

2 MR. CARTER: He was clarifying his answer
3 and he's entitled to do that and you know it.

4 BY MR. CURRAN:

5 Q So this -- this is the same letter that you
6 quote elsewhere with regard to the suggestion of
7 opening an office in the Republic of Macedonia,
8 correct?

9 A I believe so.

10 Q Oh, I see. That's in footnote 49, later in
11 footnote 49, right? So --

12 A Yes, that's correct.

13 Q Okay. So there you have your statement
14 about it being a check to Aqeel Al-Aqeel for 187,500
15 riyals and suggesting that al-Heramain open an office
16 in the Republic of Macedonia.

17 So let's look at the text of the cover
18 letter here. So the first substantive part of the
19 cover letter is with reference to your kind letter and
20 then it's referencing some communication from earlier
21 in 1999 and following the phone call with your
22 eminence, I am pleased to attach check number 1538 in
23 the amount of 187,500 riyals in support of relief
24 program for Muslims in Kosovo. We kindly suggest
25 opening an office in the Republic of Macedonia and we

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1 would greatly appreciate it if you provide us with a
2 copy of the reports that you receive so that we would
3 be kept abreast of the situation of the Kosovo
4 refugees. May God protect the Muslims from trials and
5 tribulations, safeguard their religion and ensure their
6 safety and security.

7 Have I read all of that correctly?

8 A I believe so.

9 Q So this cover letter indicates that the
10 check was being provided to provide relief to Muslims
11 in Kosovo, correct?

12 A I believe so. It's in support of the
13 relief program for Muslims in Kosovo, whatever is
14 underneath that program.

15 Q And the reference to -- the suggestion to
16 open an office in the Republic of Macedonia is in the
17 context of, indeed in the same sentence as an
18 expression of concern about the situation of the Kosovo
19 refugees, correct?

20 A I believe the idea was to open that office
21 in support of the relief program for Muslims in Kosovo,
22 yes, or at least that was the explicit -- that was the
23 explicit purpose anyway.

24 Q That was the express purpose, correct?

25 A Excuse me. That was the express purpose.

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1 That's what I meant to say.

2 MR. CURRAN: Why don't we take another
3 break?

4 MR. CARTER: How long?

5 MR. CURRAN: What time is it? We can go
6 off the record.

7 THE VIDEOGRAPHER: Off the record at 11:54.

8 (Deposition recessed at 11:54 a.m.)

9 (Deposition resumed at 12:11 p.m.)

10 THE VIDEOGRAPHER: Back on the record at
11 12:11.

12 MR. CARTER: Chris, just real quick before
13 you continue along the lines of inadvertent errors in
14 wording, the document you just marked which is NL10245,
15 your translation you submitted to the witness is
16 inaccurate. The check below the letter text references
17 18,500 riyals. The correct translation is 187,500
18 riyals.

19 MR. CURRAN: Got it. So the check is in
20 the amount of 187,500. Thank you.

21 MR. CARTER: Yep.

22 (Exhibit ARB26 was marked for purposes of
23 identification.)

24 BY MR. CURRAN:

25 Q I'd like to ask the witness to look at a

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1 document that's been previously marked as Al-Rajhi
2 Exhibit 26 and here's a copy for the witness.

3 MR. CURRAN: I can reach across to you.
4 This is tab 73 electronically.

5 BY MR. CURRAN:

6 Q Mr. Kohlmann, I take it you've seen this
7 document before?

8 A Yes, I have.

9 Q And this is a press release by the U.S.
10 Department of the Treasury dated March 11, 2002,
11 correct?

12 A Correct.

13 Q And it relates to a joint designation by
14 the Department of the Treasury and the Saudi
15 government, correct?

16 A Correct.

17 Q And in the first paragraph, it notes that
18 on the six-month anniversary of 9/11, the Treasury
19 Department is blocking the accounts of the Somalia and
20 Bosnia Herzegovina branches of the Saudi Arabian based
21 al-Heramain Islamic Foundation, correct?

22 A Correct.

23 Q And then it adds while the Saudi
24 headquarters of this private charitable entity is
25 dedicated to promoting Islamic teachings, we and our

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1 Saudi Arabian allies have determined that the Somalia
2 and Bosnia Herzegovina branches of al-Heramain have
3 been engaged in supporting terrorist activities and
4 terrorist organizations such as Al-Qaeda, AIAI and
5 others. Do you see that, sir?

6 A Yes, I do.

7 Q So this is the Department of Treasury in a
8 joint designation with the Saudi government designating
9 two branches of al-Heramain, but conspicuously not
10 designating the Saudi headquarters, correct?

11 MR. CARTER: Objection.

12 THE WITNESS: I would say that they don't
13 make any mention of designating. They simply say that
14 the Saudi headquarters is dedicated to promoting
15 Islamic teachings. They don't say anything about them
16 exonerating them from a designation. They simply say
17 that the two branches designated are Somalia and Bosnia
18 Herzegovina.

19 BY MR. CURRAN:

20 Q Okay. But you agree that neither the U.S.
21 nor the Saudi government was designating the Saudi
22 headquarters at this time?

23 A That's correct, yes, or at least not
24 officially designating them. Not publicly anyway.

25 Q Do you have any evidence that there was

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1 some sort of nonpublic designation of the Saudi
2 headquarters of al-Heramain at this time?

3 A No. But there is evidence that the U.S.
4 government was investigating the principals behind the
5 charity inside Saudi Arabia as well as what the
6 Saudi -- the Saudi entity itself was doing.

7 Q Yeah. Well, the U.S. appropriately I hope
8 at this point in time was investigating a lot of
9 things, right, related to 9/11?

10 A Yes. But I don't think that fairly conveys
11 what was going on at this point. At this point in
12 time, the U.S. government including the IRS as well as
13 a variety of other U.S. government agencies were
14 actively involved in tracking transactions between the
15 headquarters of Saudi -- of al-Heramain and Saudi
16 Arabia with branch offices and with other -- other
17 institutions.

18 So I think the fact that they didn't
19 officially designate at this point doesn't mean it
20 should not be taken to mean that the Saudi headquarters
21 nor other branches were under scrutiny or under
22 investigation which they were.

23 Q Under scrutiny or under investigation, but
24 they were -- but the Saudi headquarters was not
25 designated at this time?

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1 A They were not formally designated publicly
2 at this time.

3 Q Okay. When you say not formally designated
4 publicly, the fact of the matter is they weren't
5 designated and it was still lawful for U.S. persons
6 among others to make donations to al-Hermain Saudi
7 Arabia, correct?

8 MR. CARTER: Objection.

9 THE WITNESS: It's possible that there
10 would be future criminal prosecution later depending on
11 what the nature of those donations were and depending
12 on what the nature of the investigation turned out. At
13 this point in time, there was no public OFAC
14 designation for the Saudi headquarters and there was no
15 official prohibition on sending money, but that doesn't
16 necessarily mean that you couldn't be prosecuted later
17 on for sending money to this institution.

18 BY MR. CURRAN:

19 Q Do you read anything in this press release
20 to suggest that proper thinking donors should -- should
21 refrain from donating to al-Hermain's Saudi
22 headquarters?

23 A You're asking my opinion? My opinion is is
24 that if I see a charity where two of the branches have
25 been publicly named as branches that have been

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1 providing financial support to Al-Qaeda, that is not a
2 charity that I'm interested in donating to. And
3 certainly if I'm going to be giving money to it, I'm
4 going to be very closely scrutinizing it making sure
5 that, number one, money is not ending up in those
6 branches and, number two, there's no possibility of
7 future designations because this would not be the only
8 charity where branches have been designated and then
9 subsequently other branches were designated afterwards,
10 right?

11 So I think if you're asking my personal
12 opinion as someone who looks at this stuff and has
13 looked at charities and whatnot, no, I would not be
14 donating money to a charity where several different
15 branches are accused of supporting Al-Qaeda and there's
16 a possibility of future action in the interim, no.

17 Q I wasn't really asking you about your views
18 personally, but --

19 A I thought you did, but I would also point
20 out here that they make a very important statement here
21 which is that marking our first joint designation of a
22 financial supporter of terrorism which my reading of it
23 would suggest that there's additional designations that
24 are joint designations that are going to follow. So,
25 again, looking at this, I would be extremely careful

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1 donating to any financial institutions -- sorry -- any
2 humanitarian or charitable institution that would be
3 connected to this me personally.

4 Q But don't you see that another inference
5 that can reasonably be drawn from this press release is
6 that Treasury and the Saudi government have done an
7 investigation and exercised their scrutiny and have
8 decided to designate these two branches but not the
9 headquarters which is described as dedicated to
10 promoting Islamic teachings?

11 MR. CARTER: Objection.

12 THE WITNESS: That is an inference you can
13 make, but in my view, that's a reckless inference.

14 BY MR. CURRAN:

15 Q And doesn't this -- so as you've noted and
16 as this states on its face, this is the U.S. government
17 and the Saudi government cooperating, correct?

18 A Correct.

19 Q And that suggests that the investigation
20 and scrutiny is fairly intensive, doesn't it? It's
21 both of those governments working together?

22 A Number one, I don't know that it is and,
23 number two, I don't think that that's the reality.

24 Q In footnote 51 of your report, you make
25 reference to a CIA document that says Sulaiman Al-Rajhi

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1 defended his donations to al-Heramain Islamic
2 Foundation which has come under scrutiny for its
3 support to extremists and that's preceded by the date
4 of March 2003?

5 A Correct.

6 Q In March 2003, al-Heramain Foundation
7 headquarters KSA was not designated, correct?

8 A Was not formally designated by the United
9 States and Saudi governments, correct. The
10 headquarters was not.

11 Q Yeah. Certain branches were, but the
12 headquarters was not?

13 A And also al-Heramain had already gained a
14 reputation in Saudi Arabia for having supported Islamic
15 militant causes as well as armed conflicts as early as
16 1995. It hadn't been designated, but it was well-known
17 in Saudi Arabia that was the case.

18 Q So are you taking issue with Secretary
19 O'Neill when he says that the Saudi headquarters of
20 this private charitable entity is dedicated to
21 promoting Islamic teachings?

22 A Well, obviously I have to be because the
23 Saudi headquarters was eventually shut down. So
24 obviously there was evidence that the Saudi
25 headquarters was involved in promoting more than just

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1 Islamic teaching or certainly more than just moderate
2 Islamic teaching. I think at this -- at this point in
3 time, this was diplomatic language that was used to
4 assuage the government of Saudi Arabia for good reason.

5 This was a joint designation and it is my
6 understanding that at this point in time, the U.S.
7 government based on diplomatic cables and whatnot that
8 I have reviewed as part of this and related litigation,
9 my understanding is that the U.S. government at this
10 point was trying to gently encourage the government of
11 Saudi Arabia to take action on its own and was being
12 very careful about the language it was using.

13 However, it is very clear from internal
14 U.S. government reports that there was already a huge
15 amount of scrutiny being paid to the Saudi headquarters
16 and that there was already evidence of money laundering
17 that was being done on behalf of senior Saudi officials
18 with al-Hermain including Sulaiman al-Woofi (ph) and
19 Aqeel Al-Aqeel by the time that this designation had
20 already been issued.

21 Q Okay. Well -- but you've had access now to
22 as you say diplomatic cables and internal government
23 communications and other things as part of your job or
24 as part of classified information getting released, but
25 in March of 2002 and that timeframe, ordinary donors

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1 didn't have access to that information, correct?

2 A They didn't have access to diplomatic
3 cables and they didn't have access to internal IRS
4 investigations. However, it was widely reported in
5 Saudi Arabia in the media prior to this that
6 al-Heramain had already engaged in actions like this.
7 The committee for the defense of legitimate rights
8 which is a very, very prominent Saudi dissident group
9 reported as early as 1995 there was widespread
10 knowledge in the Saudi kingdom that al-Heramain was
11 under scrutiny because of its activities. That was
12 already as of 1995.

13 That was reported in the CDLR monitor in
14 1995. It was something that was reported in
15 international media. Obviously al-Heramain's branch in
16 I believe Kenya had been shut down after the 1998 east
17 African embassy bombings. The business card of Mansour
18 al-Kadi who was the deputy general in charge of
19 al-Heramain in Saudi Arabia was found in the possession
20 of Wadih El-Hage who was Osama bin Laden's personal
21 secretary and was prosecuted as a result of that
22 investigation.

23 So while there was not a formal
24 designation, there was certainly plenty of information
25 available in the open source that would indicate that

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1 al-Heramain itself, al-Heramain central operations were
2 involved in things that were not necessarily legitimate
3 based on what they were supposed to be doing.

4 Q Sounds like you are not a fan of Secretary
5 O'Neill's statement declining to designate
6 al-Heramain's headquarters?

7 MR. CARTER: Objection.

8 THE WITNESS: I wouldn't characterize
9 myself as being a fan or not a fan. I think it's just
10 a fact that if an organization's headquarters is
11 designated as an official supporter of Al-Qaeda and a
12 conduit for Al-Qaeda financing less than four years
13 after an initial statement is made, obviously this was
14 not the full and complete story. A designation is not
15 made over the course of four years. A designation is
16 usually the result of many years of investigation and
17 information gathering.

18 We know for a fact that when this statement
19 was made, the Treasury Department, the IRS, the FBI
20 were already investigating senior officials at
21 al-Heramain, al-Heramain Saudi Arabia and that was not
22 a secret either to the Saudi government. So the fact
23 that there was no public designation, that's absolutely
24 true, but the idea that it was somewhat secret or that
25 the U.S. government had no interest in Al-Qaeda's --

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1 not Al-Qaeda. Excuse me -- al-Heramain's central
2 branch in Saudi Arabia at this point is not exactly a
3 fair retelling of events.

4 BY MR. CURRAN:

5 Q According to what you just said a moment
6 ago, there was -- there were indications that
7 al-Heramain had been under scrutiny since at least
8 1995?

9 A Correct.

10 Q And still by 2002, there was no
11 designation?

12 A The designations of these charities only
13 began in 2001 after 9/11. The only -- only the
14 first -- the first joint action that the Saudis would
15 agree to was in 2002. It's very difficult to engage in
16 a joint designation with a foreign government if the
17 foreign government is not willing to cooperate.

18 Q But Treasury didn't need to cooperate with
19 the Saudi government. Treasury -- Treasury frequently
20 designates without cooperation of foreign governments.

21 A If it wanted a joint designation, it needed
22 it.

23 Q And you referred to the designation of the
24 al-Heramain operation in Nairobi?

25 A So --

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1 Q I believe just yes. Did you refer to them?

2 A I'm not referring to a designation. I'm
3 referring to an action taken by the Kenyan government
4 which was a public action that shut down the
5 al-Heramain office in Kenya as a result of its
6 connections to the 1998 East African embassy bombings.

7 Q And that was undone subsequently, correct?

8 A I don't know when or how it was undone, but
9 it was a public action. It was publicly announced and
10 again --

11 Q And overturned by a court and then those
12 operations resumed, correct?

13 A Years later.

14 Q Yeah. Okay.

15 A Years later.

16 Q Yeah. So they ultimately were opened?

17 A Years later.

18 Q And you referred to some business card.
19 You got my business card from earlier today, right?

20 A Correct, I do.

21 Q Does that make you some sort of conspirator
22 with me? You've got my business card.

23 MR. CARTER: Objection.

24 THE WITNESS: No, but I'm not the personal
25 secretary to Osama bin Laden. I'm not Wadih El-Hage

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1 who was deeply involved in organizing and preparing
2 acts of terrorism overseas in particular areas where
3 this charity was operating. So I think in all
4 fairness, that's probably not a great analogy.

5 BY MR. CURRAN:

6 Q Okay. But there could be a lot of reasons
7 why people would have business cards or contact
8 information including efforts, ultimately failed
9 efforts to raise money?

10 A I have reviewed the business cards, all of
11 the business cards that were in the possession of Wadih
12 El-Hage when he was arrested. I've reviewed all of
13 them individually. There appears to be a very clear
14 pattern to the people that Wadih El-Hage was in contact
15 with. Wadih El-Hage had business cards relating to
16 very particular Islamic charities for the most part
17 most of which were involved in -- somehow in money
18 laundering or terrorist financing.

19 It was -- unless you've done the review
20 yourself, I can tell you he didn't have cards for the
21 international Red Cross. He didn't have cards for --
22 the cards he had were for obscure charities, obscure in
23 the international realm where these charities all
24 appeared to have some connection to money laundering or
25 terrorist finance.

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1 And, again, not much of a coincidence
2 because Wadih El-Hage was a personal secretary of Osama
3 bin Laden and he was personally tasked with organizing
4 and carrying out acts of terrorism. So I think --
5 again, I don't think that having a business card in and
6 of itself is necessarily determinative of guilt, but
7 when you have someone who's an active participant in
8 international terrorist operations and they appear to
9 have a series of cards that all fit in a certain --
10 certain milieu, it's very hard to ignore that milieu.

11 Q Well, Al-Qaeda was trying to raise money,
12 correct?

13 A Correct.

14 Q And you referred to the CDLR, that Saudi
15 dissident group. They were critical of the scrutiny of
16 al-Heramain, correct?

17 A They were supporting al-Heramain's -- they
18 were supporting al-Heramain's support of armed
19 fighters, yes, exactly. They represented a sector of
20 Saudi society which believed that what al-Heramain was
21 doing was the right thing.

22 Q When did you get access to the El-Hage book
23 of business cards?

24 A Wadih El-Hage?

25 Q Yeah.

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1 A In approximately 1999. I think mid 1999,
2 about six months after the embassy bombings.

3 Q On page 13 of your report, you state that
4 Julaidan himself notably held accounts at Al-Rajhi
5 Bank, correct?

6 A Wa'el Julaidan?

7 Q Yeah. He opened those accounts before he
8 was designated, correct?

9 A I believe so, but I couldn't say that to be
10 certain. But my assumption is, yes, because I don't
11 think he would -- once designated, it would be almost
12 impossible to open a bank account.

13 Q Yeah. So he opened the accounts prior to
14 September 2002 and he was designated in September 2002,
15 correct?

16 A Correct.

17 Q And his accounts were probably closed after
18 the designation, correct?

19 A I'm assuming they were, but I don't have
20 direct evidence to prove that.

21 Q Well, you haven't identified any
22 transactions violative of any sanctions or
23 designations, correct?

24 A Again, once the designation has been
25 issued, it's my understanding that anything in the

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1 Swiss system is impossible to open an account under
2 that person's name.

3 Q So I want to call your attention to the
4 first full paragraph on the top of page 15 of your
5 report. So the first sentence of that paragraph says
6 that as of March 2006, the U.S. government has named --

7 A Should be named.

8 Q Should be -- strike the has? Is that --

9 A Yeah. It's a grammatical error.

10 Q Okay. So I'll edit that out. As of
11 March 2006, the United States named al-Heramain
12 Foundation affiliate offices in at least 13 different
13 countries as specially designated foreign terrorist
14 entities, SDGT, and then you list the countries and
15 that list includes Albania, correct?

16 A It includes Albania. It also includes
17 Kenya as I mentioned previously, yes.

18 Q And then in the next sentence, you write
19 CIA documents indicate that al-Heramain employee
20 accounts in Albania specifically received money from
21 al-Heramain's official account at Al-Rajhi Bank. Do
22 you see that?

23 A Correct, yes.

24 Q And then your source for that sentence is
25 footnote 76, correct?

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1 A That's correct, yes.

2 Q And that appears to be a CIA document?

3 A That's correct, yes.

4 Q And the date of the CIA document is not
5 apparent from footnote 76?

6 A That's correct, but it's predesignation.

7 Q Yeah, it's predesignation. So in this
8 paragraph, you begin by stating that as of March 2006,
9 the Albania branch among others had been designated and
10 then you say that a CIA document indicates that
11 al-Heramain employee accounts in Albania specifically
12 received money from al-Heramain's official account at
13 Al-Rajhi Bank, but you don't allow the reader to
14 understand or to see from the text or the footnotes
15 that the transaction that you're referring to was
16 predesignation?

17 A I disagree with that characterization. I
18 have the document footnoted. So, once again, it's very
19 easy to be able to figure out what the dating is if
20 there's any question, but that was not the thrust of
21 what I was attempting to do nor was I attempting to
22 confuse what the timing is.

23 The -- again, as I think I stated before,
24 my understanding is it's impossible to send money to an
25 office that's been designated through a banking system

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1 once the designation has happened. Thus that would be
2 impossible. By nature of how the designations work,
3 this would have to be referring to money that was sent
4 before the designations just by -- again by basic
5 deductive logic.

6 Q Well, it wouldn't have been hard to put
7 2002 or August 28th, 2002, in footnote 76, correct?

8 MR. CARTER: Objection.

9 THE WITNESS: I don't -- I don't -- again,
10 it wasn't something that I believe was necessary here
11 to make that point. I don't -- the intention was not
12 to deceive anyone or confuse anyone. I thought the --
13 it was fairly obvious what I was saying and to me
14 putting a date like that would have been superlative --
15 superfluous. Excuse me. Not that it's wrong, but it
16 would have been superfluous in my view especially given
17 the fact that the original document is cited in here in
18 case there was any confusion in the question.

19 BY MR. CURRAN:

20 Q Okay. But your report may go to the Court
21 without all of the attached documents, right?

22 MR. CARTER: Objection.

23 THE WITNESS: Not to my knowledge. My
24 knowledge is the Court would be able to see all the
25 original source information if needed.

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1 BY MR. CURRAN:

2 Q Okay. So you are counting on the Court to
3 actually look at every document that you cite, so it
4 can piece together the appropriate timeline?

5 MR. CARTER: Objection.

6 THE WITNESS: No. No. I'm -- what I
7 believe I'm saying is again what I've said before is is
8 that since it's impossible to send money to an entity
9 once it has already been prescribed by deductive logic
10 and, again, in my view would be obvious that this would
11 have had to have taken place before the -- before the
12 designation.

13 My understanding is the Court would be
14 aware of that too because the Court would be aware of
15 the designations. But, once again, if there's any
16 confusion, the original document is cited here, so it
17 would be very easy to verify.

18 BY MR. CURRAN:

19 Q So you think the Court should know or
20 assume or understand that once an entity is designated,
21 it can't receive financial transfers anymore?

22 A It's my understanding that that goes
23 without saying, yes.

24 Q So is it your testimony and belief that
25 once an entity is designated, it cannot receive any

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1 more funds?

2 A Not through -- not through a wire transfer
3 from a bank.

4 Q What about through other means? What
5 about -- what about through cash? What about through
6 travelers checks?

7 A That's not the context of what it says
8 here. It says receive money from al-Heramain's
9 official account at Al-Rajhi Bank.

10 Q Yeah. I'm not talk -- okay. For this --
11 for this question, I'm not necessarily tethered to this
12 specific paragraph, but you've said a number of times
13 today already that once an entity is designated, it's
14 impossible for it to get money?

15 MR. CARTER: Objection.

16 THE WITNESS: Through -- through a wire
17 transfer or through a check through the Swiss system.
18 It's -- it should be impossible anyway, yes.

19 BY MR. CURRAN:

20 Q And so is it your testimony that
21 designations are a hundred percent effective?

22 A I don't know if they're a hundred percent
23 effective, but, again, I felt that the thrust of what I
24 was saying here was obvious in terms of what I was
25 saying. I didn't feel like it was necessary to add

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1 those details. I thought that that was inherent in
2 what I was saying here.

3 Q The next paragraph you address a
4 transaction or a series of transactions involving
5 al-Heramain and one or more of its agents, correct?

6 A Correct.

7 Q And in the second sentence, you refer to a
8 Saudi organizer arriving in the United States in May of
9 2000 carrying \$275,000 worth of American Express
10 travelers checks, correct?

11 A That's correct.

12 Q By the way, there's nothing improper in and
13 of itself about travelers checks, correct?

14 A Just depending on where they come from and
15 what you're going to do with them. Travelers checks
16 normally have a very legitimate purpose, but they can
17 also be used for money laundering.

18 Q And travelers checks were a lot more
19 popular, used a lot more frequently a couple of decades
20 ago than they are now, correct?

21 A Yeah, I think that's probably fair to say.

22 Q Especially in the Middle East, right?

23 A That is speculation.

24 Q That you don't know?

25 A I think that would be speculation on

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1 anyone's part to say that travelers checks were more
2 popular in the Middle East than they were elsewhere. I
3 don't think that that's necessarily the case. Plenty
4 of Middle Eastern institutions did wire transfers at
5 this time including individuals transferring money to
6 the 9/11 hijackers.

7 Q Don't you think Al-Rajhi Bank would be in a
8 good position to know whether travelers checks were
9 more common two decades ago than they are now?

10 MR. CARTER: Objection.

11 THE WITNESS: I have no idea.

12 BY MR. CURRAN:

13 Q In any event, the arrival of the Saudi
14 organizer is stated here as being in May of 2000,
15 correct?

16 A That's correct.

17 Q And then the next sentence says the same
18 Saudi organizer, Soliman Albuthe, allegedly later
19 withdrew \$151,000 in travelers and cashier's checks
20 from al-Heramain funds in the United States and then
21 you've got a quote, right?

22 A Correct.

23 Q And the quote refers to Albuthe cashing the
24 travelers checks on approximately March 25, 2000,
25 correct?

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1 A Correct.

2 Q March 25, 2000, is before May of 2000,
3 correct?

4 A Correct. I'd have to check. It's possible
5 that it was supposed to be in March of 2000, not in May
6 of 2000.

7 Q But you see the problem with this paragraph
8 as written?

9 A Yeah. But my -- my assumption is it's
10 probably -- it's supposed to be in March of 2000, but
11 I'd have to check the original -- the original
12 affidavit. It's also possible that the affidavit
13 itself that they wrote May instead of March.

14 Q No. No.

15 A But I -- I would have to check. I'm not --
16 it's possible I wrote May instead of March.

17 Q Okay. This paragraph does report that
18 al-Heramain had a or al-Heramain, Inc., AHIF, Inc. had
19 an account at Bank of America in Ashland, Oregon,
20 correct?

21 A That's correct, yes.

22 Q And similar to what I asked you before, do
23 you think Bank of America was falling asleep at the
24 switch here and violated KYC and banking standards to
25 have an account for AHIF in May of 2000?

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1 A Bank of America had no context about what
2 these organizations were or who these people were.
3 They were foreign nationals who were coming in and
4 depositing these sums of money. I don't know whether
5 or not they were -- they did what they were supposed to
6 or not, but I'm sure they had very little context on
7 who these people were or what al-Heramain was is the
8 fact that al-Heramain, the organization itself was not
9 a U.S. based entity.

10 These individuals were foreign nationals.
11 I think there was very little known at that point about
12 who these people were inside of the United States.
13 Outside in the kingdom, obviously things were a little
14 bit different.

15 Q And at the end of this paragraph, you
16 report that Albuthe was blacklisted by the U.S.
17 Treasury Department as an SDGT in 2007, correct?

18 A That's correct, yes.

19 Q All right. So that's seven years after the
20 transactions that you describe in the paragraph?

21 A That's correct. That was concurrently I
22 believe with prosecution of al-Heramain and al-Heramain
23 principals.

24 Q And IIRO was another major Saudi NGO,
25 correct?

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1 A Correct, yes, although the degree to which
2 it is an NGO is under debate, but, yes.

3 Q Well, like al-Heramain, it was a prominent
4 Saudi charity?

5 A I think that's a better description, yes.

6 Q And IIRO has never been designated,
7 correct?

8 A What part of IIRO?

9 Q Headquarters.

10 A Individuals who have been -- who headed the
11 organization in Saudi Arabia have been designated. The
12 organization itself, the headquarters, I don't believe
13 has been designated.

14 Q And al-Heramain like IIRO were authorized
15 to conduct charitable works in Saudi Arabia at all
16 times during the relevant period, correct?

17 MR. CARTER: Objection.

18 THE WITNESS: I don't know that I could say
19 all times and I'm not sure of the extent to what they
20 were authorized to do, but they were authorized to
21 raise money, yes.

22 BY MR. CURRAN:

23 Q For charitable purposes?

24 A Ostensibly.

25 Q Well, the authorization was to raise money

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1 for charitable purposes?

2 A Ostensibly.

3 Q And, sir, you understand that under Saudi
4 banking regulations -- or maybe you don't understand.
5 I'll ask. Do you understand that under Saudi banking
6 regulations a bank cannot reject a proposed customer
7 without the authorization of SAMA?

8 MR. CARTER: Objection.

9 THE WITNESS: I'm not familiar with that
10 offhand, no. I should add I know what SAMA is and I
11 know how SAMA operates, but I don't know what the
12 banking diligence requirements are. I'm not -- it's
13 not --

14 BY MR. CURRAN:

15 Q But you understand SAMA is the regulator
16 that governs Al-Rajhi Bank's operations?

17 A One of the regulators, yes.

18 Q Well, it's the primary regulator of banks
19 in Saudi Arabia, correct?

20 A Correct, yes.

21 Q And you understand that Al-Rajhi Bank is
22 bound to follow the rules, regulations and directives
23 of SAMA?

24 A That's my understanding, yes.

25 Q In your investigation resulting in your

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1 report in this matter, have you identified any
2 instances in which Al-Rajhi Bank failed to comply with
3 directives from SAMA?

4 A I'm not sure I reviewed any information in
5 that regard. That's usually outside of my area of
6 expertise.

7 Q But you can't identify any instances of
8 such a violation?

9 A I can't think of any offhand.

10 Q So on page 18 of your report, you have a
11 reference to the U.S. Department of Defense internally
12 acknowledging among other things that IIRO has provided
13 financial assistance, funds transfers and legitimate
14 cover for moving money under the pretense of
15 humanitarian relief to Al-Qaeda?

16 A Correct.

17 Q So IIRO was holding itself out as a
18 legitimate charity supporting humanitarian relief, but
19 instead was diverting funds for Al-Qaeda?

20 A That's part of the story. IIRO also issued
21 with its parent Muslim World League also issued
22 propaganda and other documents suggesting that it was
23 also supporting armed conflict and that it was
24 interested in generating money to provide weapons for
25 personnel. This was directly announced by the

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1 secretary general or the former secretary general of
2 the Muslim World league, Dr. Muhammad Ali Jinnah. So I
3 think it just depends what -- what fund raising
4 pamphlet or what fund raising content you were
5 listening to, what audience it was.

6 Q Do you think the Department of Defense was
7 correct when it internally acknowledged that IIRO was
8 raising money under the pretense of humanitarian
9 relief?

10 A Absolutely it was. It was also raising
11 money under the pretense of buying weapons for
12 combatants in Bosnia and Chechnya and elsewhere. It
13 was doing a little of all of this, sure.

14 Q The first part of that sentence, you write
15 the U.S. Department of Defense has also internally
16 acknowledged that the IIRO is financed by Osama bin
17 Laden. Do you see that, sir?

18 A Yes.

19 Q So do you agree with that?

20 A It's my -- from the basis of what I can
21 tell, yes.

22 Q So Osama bin Laden financed IIRO, not the
23 other way around?

24 A So there are different periods of IIRO's
25 operations as well as bin Laden. My understanding is

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1 that prior to 1993, Osama bin Laden exchanged funds,
2 sent funds to IIRO, sent funds to IIRO offices to
3 support IIRO missions and whatnot including missions
4 that had nothing to do with humanitarian relief.

5 After Osama bin Laden's bank accounts were
6 closed, bin Laden continued to support IIRO through
7 intermediaries and also was the recipient of monies
8 that were raised by IIRO in order to provide training
9 camps and other support for Al-Qaeda operations
10 primarily through an individual by the name of
11 Abdulrahman al-Saudi (ph), but not exclusively.

12 MS. BEMBRY: Counsel, just please note my
13 belated objection to the form of the question.

14 MR. CURRAN: I'm going to mark another
15 document, tab 46. This will be Number 12, EK12.

16 (Kohlmann Exhibit EK12 was marked for
17 purposes of identification.)

18 BY MR. CURRAN:

19 Q So this exhibit bears the Bates number
20 PEC-KSA001464 through 66.

21 A That's correct.

22 Q And, Mr. Kohlmann, this is the document
23 that you cite in footnote 110, correct?

24 A Correct.

25 Q And this is -- you describe it as a U.S.

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1 State Department diplomatic cable?

2 A I believe that's what it is.

3 Q And, sir, do you see in the paragraph
4 numbered 2 under summary on the first page 1464, the
5 U.S. G believes that some elements of the international
6 Islamic relief organization, IIRO, have been exploited
7 by terrorist and their financiers --

8 A Yes.

9 Q -- as a means of transferring assets,
10 providing organizational cover or otherwise supporting
11 extremist violent operations?

12 A Yes.

13 Q And that's something you relied upon here
14 in your report, correct?

15 A Correct.

16 Q And quoted?

17 A Correct.

18 Q On the next page bearing the Bates number
19 1465, paragraph number 3 identifies IIRO as a
20 nongovernment organization, an NGO, first established
21 in 1978 by the Islamic World League and endorsed by the
22 Saudi government in 1979. Do you see that, sir?

23 A Yes, I do.

24 Q Do you accept that as factual?

25 A The only thing I would say is it's the

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1 Muslim World League, not the Islamic World League, but
2 other than that, yes.

3 Q And then it continued. The stated overall
4 mission of the IIRO is dedicated -- is directed toward
5 the provision of the medical, educational and social
6 support for those in need. Did I read that correctly?

7 A You did, yes.

8 Q It continues. IIRO has traditionally
9 provided educational programs to refugees and displaced
10 persons as well as supported social, economic -- and
11 economic development worldwide. It has also provided
12 moral support and assistance in kind and in cash for
13 poor and destitute Muslims. Do you see that, sir?

14 A Yes, I do.

15 Q Do you -- do you dispute that?

16 A I don't dispute that's part of what it --
17 the organization has done.

18 Q So you do accept that IIRO has provided
19 bona fide humanitarian relief to Muslims around the
20 world?

21 A In some cases, yes.

22 Q And this continues IIRO provided health
23 care including medicines and facilities to Kosovo
24 refugees, for example. IIRO has established a wide
25 network of national and international contacts with

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1 various Islamic and non-Islamic relief organizations,
2 institutions and individuals operating in several
3 countries in Europe, Asia and Africa. Do you see that,
4 sir?

5 A Yes, I do.

6 Q Do you dispute that statement?

7 A No. This is just part of the story, but
8 this part of the story is true.

9 Q And then paragraph 4, the final paragraph
10 in this cable states while IIRO distributes millions of
11 dollars in aid to support humanitarian efforts, there
12 is also some evidence that parts of the organization
13 have been exploited by Al-Qaeda and other terrorist
14 organizations. Do you see that, sir?

15 A Yes.

16 Q For example -- and continuing, for example,
17 IIRO has been cited as the principal sponsor of
18 terrorist training camps in Afghanistan during the
19 Taliban regime. Do you see that, sir?

20 A Yes, I do.

21 Q And then it continues IIRO has also been
22 cited as the conduit for funds from Osama bin Laden to
23 terrorist organizations specifically that the Abu
24 Sayyaf cell in Manila was founded with money sent by
25 bin Laden to Mohammed Jamal Khalifa through IIRO. Do

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1 you see that, sir?

2 A Yes, I do.

3 Q So that last paragraph is addressing some
4 evidence and certain facts that have been cited,
5 correct?

6 A I think it's -- these are just facts, but,
7 yeah, these are I think undisputable facts. But this
8 is, again, only part of the story. There was -- there
9 was already much more evidence that's not cited here
10 that the U.S. government had access to. It had -- it
11 already had by this point about IIRO's activities.

12 Q But you don't dispute the basic premise
13 that IIRO did a lot of bona fide humanitarian work, but
14 that the organization may have been exploited?

15 A When you say a lot, I would be very careful
16 about the word a lot. IIRO is essentially a Dawah
17 organization. The purpose of IIRO is to spread a
18 particular teaching of Islam around the world including
19 by promoting charitable work, et cetera, in an effort
20 to spread those ideals. Many of those ideals are very
21 extreme in cases such as Bosnia Herzegovina.

22 Bosnia and Muslim army actively put out
23 reports warning that IIRO was attempting to
24 indoctrinate people in a philosophy that would cause
25 major social problems and would undermine the idea of

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1 peace and stability in Bosnia.

2 So while it is true that IIRO has provided
3 charitable aid, a lot of times that charitable aid has
4 been conditioned upon the acceptance of a particular
5 type of Islam which is a particular type of Islam which
6 is favored by the individuals promoting the charity.
7 So, you know, you could say that's charity, but that's
8 charity conditioned with people believing in an extreme
9 form of Islam.

10 I think also the question of a lot, I could
11 not possibly begin to characterize how much of IIRO's
12 money went to charity versus went to extremist
13 activities, but I can tell you that a lot of money that
14 IIRO raised ended up going to causes that had nothing
15 to do with helping innocent people.

16 So I think, you know, it's trying to
17 characterize how much or what percentage or whatnot. I
18 don't think it's possible to do that other than to say
19 that a significant amount of IIRO's resources were sent
20 to things that had nothing to do with starving orphans
21 or people in need.

22 Q But those objectives and those ends were
23 promoted in IIRO fund raising materials, correct?

24 A You mean promoting, promoting, they --

25 Q Bona fide humanitarian work.

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1 A They promoted all of these different
2 things. They promoted the idea of spreading the Dawah,
3 a particular form of Dawah, a particular form of
4 religious views, the idea of helping people and
5 bringing them back into the fold of Islam, but it's
6 important to understand that most of IIRO's financial
7 support to starving people or whatnot, the idea was to
8 proselytize a particular form of Muslim and condition
9 that on providing aid.

10 In other words, if you wanted aid, you had
11 to join an IIRO Mosque. You had to listen to an IIRO
12 preacher. You had to follow what the organization was
13 telling you. This is the model anyway that was in
14 existence in Bosnia Herzegovina, was in existence in
15 the caucuses and other conflict zones where IIRO was
16 engaged.

17 Q You can't identify any transactions from
18 IIRO that led directly to 9/11, correct?

19 A That's an interesting question. So the
20 answer is is that I can't give you specific financial
21 transactions in an accounting sheet. However, I can
22 tell you that IIRO was responsible for funding through
23 Abdulrahman al-Saudi who was the head of IIRO's
24 operations in Pakistan and was also an Al-Qaeda member.
25 That money went to fund the Al-Farooq training camp,

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1 Al-Qaeda's Al-Farooq training camp in which most of the
2 9/11 hijackers received their muscle training, their
3 training to be able to carry out operations including
4 weapons, including all physical combat, et cetera, et
5 cetera.

6 So if you're asking did money that IIRO
7 sent help provide means for 9/11, the answer is is that
8 without the funding of the Al-Farooq training camp in
9 Afghanistan, it would have been much more difficult for
10 Al-Qaeda to have carried out 9/11. It was a central
11 point of training for the 9/11 hijackers. It was also
12 a central point of organization for the 9/11 hijackers.
13 And, in fact, there's video of 9/11 hijackers at the
14 camp receiving training. And --

15 MS. BEMBRY: Counsel, this is Aisha Bembry.
16 Please note my motion to strike that response as
17 nonresponsive.

18 MR. CURRAN: I think it's a good time to
19 take a lunch break.

20 THE VIDEOGRAPHER: Off the record at 1:03.

21 (Recessed at 1:03 p.m. for lunch.)
22
23
24
25

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A F T E R N O O N S E S S I O N

(Reconvened at 1:47 p.m.)

THE VIDEOGRAPHER: We're back on the record
at 1:47.

MR. CURRAN: I understand that some counsel
would like to make some statements, so please go ahead.

MS. BEMBRY: Yes. Thank you, Chris. This
is Aisha Bembry on behalf of the Muslim World League,
IIRO and charity officials. I would like to note for
the record that expert discovery against those
defendants closed some time ago. Mr. Kohlmann
submitted reports against those defendants which
reports have never been supplemented or amended.

The period of expert discovery was fully
litigated against those defendants and is closed.
Accordingly MWL, IIRO and the charity officials reserve
all rights with respect to the testimony being offered
today and the report that was submitted in connection
with the deposition that is being taken today.

MR. ALHAMIDI: Yes. This is Omar Alhamidi.
I will join the objection on behalf of the World
Assembly. Thank you.

MR. CARTER: Just to close out the lawyer
stuff, the plaintiffs will reserve their rights with
regard to the reservation of rights and off we are.

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1 THE WITNESS: One other thing. I just
2 realized that -- over the break, I realized I had made
3 a misstatement right before we broke. I cited
4 Dr. Monel Jahani as something he had written or
5 something he had -- comments he had made that was
6 published in the Muslim World League journal. I
7 realized that I -- in the context of that, I had
8 misidentified him as the secretary general of Muslim
9 World League. It should be the secretary general of
10 WAMY, but writing in the Muslim World League
11 publication.

12 BY MR. CURRAN:

13 Q Okay. So, Mr. Kohlmann, you have provided
14 I guess at least one prior report in this 9/11
15 litigation?

16 A Correct, yes.

17 Q And you've been deposed before as well?

18 A That's correct, yes.

19 Q Is there anything from your -- since your
20 prior statements could conceivably be used again in
21 this proceeding as to Al-Rajhi Bank, is there anything
22 in your prior reports or your prior deposition
23 testimony that strikes you as needing correction or
24 clarification?

25 A From prior testimony?

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1 Q Yes.

2 A Not anything that hasn't already been
3 corrected. I think there was -- yeah. There was
4 one -- there was one error I can recall about a 9/11
5 hijacker working on behalf of IIRO. That was an error,
6 but that's the only thing I can think of and that's
7 already been corrected on the record a while ago.

8 Q Okay. Is there anything from your
9 testimony before lunch today that you'd like to correct
10 or clarify?

11 A Other than what I just said which is that
12 what I should have said is Dr. Monel Jahani writing in
13 the Muslim World League publication, but he was the
14 secretary general of WAMY, not Muslim World League.

15 Q Right before we broke for lunch, you gave
16 an answer about IIRO funding a terrorist training camp
17 that led to 9/11 or had hijackers present. Do you
18 remember that testimony?

19 A Yes. The Al-Farooq training camp, yes.

20 Q Okay. And is that what's referred to on
21 page 20 of your report in the second full paragraph?

22 A It probably is. Let me just verify because
23 it is in my report. Yes, it is.

24 Q Okay. And your -- the source of your
25 information there related to the Al-Farooq training

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1 camp is -- looks like is footnote 121?

2 A It is, but that's not the only source.
3 I'll give you -- it's -- there's other materials that
4 are related to this in the page before when it
5 discusses Abdulrahman al-Saudi.

6 Q Okay. But specifically as to that training
7 camp --

8 A Yes.

9 Q -- footnote 121 is what you cite?

10 A Yes. Yes.

11 Q So I'd like to take a look at that document
12 that you cited in footnote 121.

13 A Sure.

14 MR. CURRAN: So we'll be marking this now
15 as EK13 and this document is from tab 47. And it bears
16 the Bates number 003021 through 25 and this does look
17 like it's English language in the original.

18 (Kohlmann Exhibit EK13 was marked for
19 purposes of identification.)

20 BY MR. CURRAN:

21 Q Mr. Kohlmann, I'm sorry. I'll give you a
22 moment.

23 A (Reviewing document.)

24 Yes.

25 Q Okay. Mr. Kohlmann, this is the document

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1 that you have cited in footnote 121 and relied upon in
2 your report, correct?

3 A Yes, although I'm familiar with this
4 information separately from other sourcing.

5 Q Okay. And this is some sort of now
6 unclassified statement of a detainee at Guantanamo Bay?

7 A That's correct.

8 Q And this detainee on the second page of
9 this document, so it's the one that the bears the
10 number 003022 at the top, states my understanding of
11 the training camp I attended in Afghanistan is that it
12 was a general camp not under any control -- any group
13 or organization's control. I knew this because we were
14 not allowed to talk about politics or religion. The
15 Taliban had closed all the other camps with the
16 exception of this one. The training camp was funded by
17 Muslim charitable organizations that also funded
18 schools, hospitals and orphanages.

19 Do you see that, sir?

20 A Yes, I do.

21 Q Now, that passage does not say that the
22 camp was funded by IIRO, correct?

23 A No, but the individual who was there was
24 from IIRO. And he was an affiliate of that
25 organization. But, again, through other sources, I

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1 know that the camp was funded by money through -- from
2 Abdulrahman al-Saudi who was the head of IIRO's office
3 in Pakistan and that it was through the Al-Farooq
4 training camp. I know this through -- also through
5 testimonies of individuals that I have reviewed
6 unclassified but sensitive testimonies from Guantanamo
7 Bay.

8 Q Okay. But I'm kind of more focused on what
9 you've relied upon in your report, so I kind of want to
10 stick with this document.

11 A Okay.

12 Q And I note on page 003025, there's a
13 relevant Q and A here. Let's start with the second
14 question. You see a question. What is your
15 occupation? Answer: I am a government employee of a
16 charitable organization. Question: What is the name
17 of the charitable organization? Answer: IIRO,
18 International Islam Relief Organization. Question:
19 How long did you work for IIRO? Answer: I was still
20 in training, so just a few months. So that -- that's
21 the information about this detainee's affiliation with
22 IIRO?

23 A Yes.

24 Q So he was still in training and he had just
25 worked there for a few months?

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1 A I believe when he's saying he's in
2 training, he's referring to the training camp, but,
3 yeah, he's -- he'd only been working for IIRO for a few
4 months, that's correct.

5 Q Okay. And then on the page prior to that
6 003024 about halfway down the page, there's a Q and A
7 and the question is: You said the camp was funded by
8 private organizations. Was one of them al-Wafa or can
9 you tell me who was funding it? Answer: It was a
10 charity funded camp.

11 Do you see that, sir?

12 A Yes.

13 Q Okay. So this detainee who had at least
14 for a little while, for a few months been working at
15 IIRO, he did not identify IIRO as the funder of this
16 camp, correct?

17 A He was an IIRO employee who identified it
18 as a charity funded camp and I know through other
19 sources that indeed it was IIRO who funded the camp.
20 Also there's other sources I believe that refer to
21 that. I'd have to look back in my report, but I
22 believe that there's at least one other -- one other
23 State Department document that makes the same
24 allegations.

25 Q Okay. But you'd agreed with me, wouldn't

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1 you, that confined to this document cited in footnote
2 121, there's not a sufficient basis to conclude that
3 IIRO funded this camp?

4 A Right. Well, there's basis but not
5 exclusive basis. I happen to know from other sourcing
6 that IIRO was at least one of the charities that was
7 banking the camp. And, again, since this individual
8 was an IIRO employee who was training at the camp and
9 had only been part of the organization for a few months
10 and who identified it as a charity funded camp, it
11 appeared to corroborate the other sourcing that I had
12 reviewed.

13 Q Well, don't you think if the guy worked at
14 IIRO and he was referring to the funding and it was
15 funded by IIRO, he would have said that?

16 A I really can't answer that. All I can
17 answer is that on the basis of other sourcing, I know
18 that to be the case.

19 Q And also on the first page back to 003021
20 in the fourth paragraph according to this report, the
21 detainee said about me being a member of Al-Qaeda,
22 that's wrong. This organization defies and goes
23 against every value or principle I was raised with. I
24 have never agreed with the way they interpret my
25 religion which is of peace and forgiveness. The fact

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1 that was issued by my religious leaders go against the
2 teachings of that organization. I have never
3 participated, acted or was loyal to that organization.
4 Do you see that, sir?

5 A Yes.

6 Q And elsewhere in this statement, the
7 detainee denounces 9/11 and Al-Qaeda's efforts,
8 correct?

9 A Correct.

10 Q That's enough with that document. You can
11 give it back.

12 Sir, I now would like to direct your
13 attention to page 32 of your report and this relates
14 to, you know, another question about the sourcing. So
15 the -- there's a carry over paragraph and the second
16 sentence there says in October 2004, WAMY published an
17 Arabic language online newsletter via its official
18 website carrying a message from Dr. Saleh bin Ibrahim
19 Babaeer, the assistant secretary general for executive
20 affairs at WAMY.

21 Dr. Babaeer announced in his message that
22 WAMY has, quote, established places and means for
23 collecting donations during the Ramadan season and
24 throughout the year via its headquarters in the
25 secretary -- in the general secretariate and its

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1 approved branches and via its bank accounts in Al-Rajhi
2 Banking Company and the National Bank, close quote,
3 period. Do you see that, sir?

4 A Yes.

5 Q Okay. And then that cites to footnote 197?

6 A Yes.

7 Q And footnote 197 you can see appears to be
8 some website or whatever?

9 A Yeah. It's the official WAMY website.

10 Q Okay. So we asked plaintiff's counsel to
11 provide us with that document and I want to show you
12 the document that we received and this is folder 81.

13 MR. CURRAN: We'll mark this as EK14.

14 (Kohlmann Exhibit EK14 was marked for
15 purposes of identification.)

16 BY MR. CURRAN:

17 Q And, Mr. Kohlmann, my first question is
18 going to be whether this, in fact, is the document that
19 you're citing in footnote 197?

20 A It appears to be the wrong file. It is --
21 it is something that was posted on WAMY's -- on WAMY's
22 thing, but it appears that this has different
23 information in it. But I can recover the original
24 source where I got this from. It was on WAMY's
25 official website.

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1 Q Okay. I'd like to direct your attention to
2 some parts of this document nonetheless.

3 A Sure.

4 Q So -- and by the way, the original --
5 there's another document. The original is in Arabic.
6 Do you speak or read Arabic?

7 A I can speak a very little, but I can't read
8 it.

9 Q So referring to the English translation
10 here, I want to refer your attention to the beginning
11 of the content here. The assembly held the first
12 annual Iftar fast-breaking ceremony. By the way, so
13 that's the Ramadan period, correct?

14 A Correct.

15 Q Which was attended by the British
16 ambassador to the kingdom, Sherard Cowper-Coles, the
17 Charge d'Affaires at the U.S. embassy, Matthew Toler,
18 more than 55 ambassadors and diplomats in the kingdom,
19 and a number of businessmen and those involved in
20 charity work which was held in the Al Maqsura hall in
21 Riyadh, period. The guests were received by Dr. Saleh
22 bin Sulaiman Al Wohaibi, secretary general of the
23 assembly, Dr. Saleh bin Ibrahim Babaeer, secretary
24 general for executive affairs, and the heads of various
25 committees at the assembly, period. Do you see that,

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1 sir?

2 A Yes.

3 Q So there's a reference to Dr. Saleh
4 Babaeer. That's the same gentleman you referred to on
5 page 32 of your report in the carry over paragraph,
6 correct?

7 A Correct. Correct. I think this may be
8 actually the same newsletter except it's the wrong
9 pages from the newsletter.

10 Q Okay. So this was some sort of Ramadan
11 period gathering where ambassadors and diplomats from
12 Great Britain as well as the United States and numerous
13 other countries were attending and being greeted by Mr.
14 Babaeer, the assistant secretary general for executive
15 affairs at WAMY, correct?

16 A You're talking about this item right here?

17 Q Yes.

18 A I believe so. I mean, this is the first
19 time I'm looking at this, but, yes.

20 Q Okay. But this is -- your recollection is
21 this is part of the document that you --

22 A No. What I recall is is that this is the
23 same newsletter, but the newsletter consists of
24 different entries, different news updates. The news
25 update that I'm referring to here is completely

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1 disconnected from this thing at the top. It's a --
2 there's an entry that just deals with raising money for
3 Palestine and this is -- yeah, the entry is missing
4 here. I believe it's just the wrong page. But it did
5 come from -- it did come from the WAMY newsletter.

6 Q Yeah. So this report or this recounting of
7 this function seems to suggest that WAMY and some
8 associated charities were reputable organizations at
9 least among the diplomatic community in Saudi Arabia;
10 is that fair?

11 MR. CARTER: Objection.

12 THE WITNESS: I don't know if that -- I
13 think that's a -- that's a judgment or that's a
14 subjective judgment. I certainly would not regard WAMY
15 as being something that would be promoted by
16 international diplomats, although in this case, they
17 definitely did attend this event.

18 BY MR. CURRAN:

19 Q And WAMY was never designated by any
20 government around the world, correct?

21 A I don't believe they've been designated.

22 Q And toward the bottom of this page 102 that
23 we were just looking at, maybe it's the second to last
24 sentence on the first page.

25 A I'm sorry. Sorry. Let me correct myself.

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1 WAMY itself has not been designated. However,
2 subentities within WAMY's umbrella have been either
3 prosecuted or have come under scrutiny because of their
4 roles with terrorist financing and specifically I'm
5 thinking here of Benevolence International Foundation.

6 Q Okay. But my question was about WAMY
7 itself and that's never been designated, correct?

8 A Well, BIF technically was underneath WAMY,
9 but WAMY itself --

10 MR. ALHAMIDI: Object. Objection.

11 THE WITNESS: WAMY itself as an
12 organization I don't believe was designated, but, yes.
13 BY MR. CURRAN:

14 Q And toward the bottom, there's a quote here
15 from this Dr. Al Wohaibi and you'll recall from the
16 introduction, he's the secretary general of the
17 assembly.

18 A Yes.

19 Q The assembly being the World Assembly of
20 Muslim Youth and he is quoted as saying, quote, the
21 responsibility of defending Islamic charitable work is
22 our responsibility as preachers, media professionals,
23 intellectuals, governments and peoples because this
24 work is the foundation of Islamic work, period, close
25 quote.

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1 He called on Islamic organizations working
2 in the humanitarian field to enter the international
3 arena and become involved in the membership of
4 nongovernment organizations at the United Nations
5 especially the economic and social council
6 establishment of a secretariate for the conference
7 based in Riyadh, the capitol of the Kingdom of Saudi
8 Arabia, whose mission is to follow-up on the
9 implementation of the recommendations issues by the
10 conference. Do you see that, sir?

11 A Yes.

12 Q So, again, this was at least ostensibly a
13 legitimate reputable gathering consistent with WAMY
14 being a bona fide charitable organization, correct?

15 A Ostensibly. However, it also has to be put
16 into context that Al Wohaibi has also condemned efforts
17 to shut down religious charities that are accused of
18 terrorist financing. And it's been suggested that it's
19 something that's been planned by Zionists and
20 neoconservatives in the U.S. and it's done as part of
21 conspiracy to destabilize the Muslim world. So Dr. Al
22 Wohaibi is not exactly an objective source of
23 information in that regard.

24 Q Okay. But he's not sufficiently a pariah
25 to prevent dozens and dozens of international diplomats

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1 to pay homage by attending his Ramadan function,
2 correct?

3 MR. CARTER: Objection.

4 THE WITNESS: I -- I don't know that it --
5 the time when this occurred if all of the people who
6 attended understood the full context of WAMY because
7 most of these people are not from Saudi Arabia. They
8 are from outside Saudi Arabia and they may not be
9 familiar with the full context of WAMY.

10 BY MR. CURRAN:

11 Q Okay. How often have you been to Saudi
12 Arabia?

13 A Once.

14 Q When was that?

15 A 2012, January of 2012.

16 Q Okay. So 11 years after 9/11 roughly?

17 A Yes, approximately.

18 Q And so your knowledge of what people
19 thought and believed in Saudi Arabia in the period of
20 9/11 and shortly before, shortly after is based not on
21 personal experience, but based on some sort of study
22 and observation and --

23 A When I was --

24 Q -- expertise?

25 A Sorry. I didn't mean to interrupt. When I

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1 was at Georgetown University in -- between 1999 and
2 2001, I was working specifically in the Center for
3 Contemporary Arts Studies studying dissident movements
4 in the Arabian peninsula and I was working under my
5 professor there who specifically had just written a
6 book all about Dr. Mahamood Fondi (ph) who had written
7 all about the politics of the Arabian gulf.

8 I specifically was studying the support for
9 Islamist and dissident movements in Saudi Arabia at the
10 time. That's where my knowledge and understanding
11 of -- of the social and political currents and
12 religious currents that existed in Saudi Arabia at that
13 time was through my work at the Center for Contemporary
14 Arts Studies, the Center for Muslim Christian
15 Understanding and also from, you know, reading
16 publications that were domestic Saudi publications like
17 Riyadh Daily which is an English language publication
18 which covers news and events taking place in Saudi.

19 Q So the course work and the professor you
20 referred to, that's from your undergraduate studies?

21 A That's correct. Well -- yeah. That's
22 correct, yeah.

23 Q Don't you think it's fair to say that
24 studying things academically from thousands of miles
25 away is not the same as being on the ground and

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1 personally observing and perceiving the environment
2 directly?

3 A It depends on the context. It can, yeah.
4 Primary sourcing can be very, very valuable. In the
5 case of Saudi society, it can be very challenging
6 because Saudi society up until recently has been very
7 closeted and exposing dissident view points inside
8 Saudi society or inside Saudi Arabia was a liability.

9 And thus studying Saudi dissident movements
10 and Saudi dissident thought was actually much more
11 achievable outside the borders of Saudi Arabia which is
12 why most of the -- most of the liturgy and most of
13 the -- I guess most insightful work that has been done
14 on this subject for that period was done outside of
15 Saudi Arabia by individuals such as Dr. Fondi who also
16 did this outside Saudi Arabia.

17 In order to conduct my research, I also
18 visited directly and spoke directly with the former
19 head of CDLR, Dr. Mohammad al-Massari who I interviewed
20 at his home in London. I also interviewed another
21 former head of CDLR and later the head of the movement
22 for Islamic reform in Arabia, Dr. Saleh Focki (ph) at
23 his home in London.

24 So while I did not travel to Saudi Arabia
25 at that point to interview individuals about what was

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1 going on, I was traveling and speaking directly with
2 individuals who had a very in-depth understanding and
3 knowledge of Saudi political, religious and cultural
4 discourse during that time.

5 Q So let me ask kind of that same question
6 again.

7 A Sure.

8 Q Do you recognize that studying things from
9 afar albeit reading a lot and interviewing people is
10 not the same as perceiving things directly as a member
11 of a society?

12 A Well, it's definitely not the same, but in
13 terms of your question which I believe is what is more
14 accurate or reliable in terms of societies where you're
15 under autocratic rule and there are closeted and
16 dissident thought and dissident view points are not
17 allowed to be expressed publicly, to go to Saudi Arabia
18 at that point in time and be asking people these
19 questions, you might not necessarily get fulsome
20 responses either because of the fact that people would
21 have faced potential jail time, other retributions.

22 So I think the answer is it really depends
23 on the context. It depends on the location and it
24 depends on what exactly you're researching.

25 Q I'm not really focused in my questioning or

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1 I don't intend to be focused in my questioning on
2 knowledge, book knowledge or facts, but instead on the
3 perceptions within the society because in your
4 testimony today a number of times, you've talked about
5 how people in Saudi Arabia would have understood
6 something. Isn't it fair to say that you do not have
7 adequate grounding in your experience to opine on that?

8 MR. CARTER: Objection.

9 THE WITNESS: No. I think again after
10 interviewing people like Dr. Saleh Focki and
11 Dr. Mohammad al-Massari who are arguably two of the
12 most prominent Saudi Islamist dissidents on the planet
13 and who have very, very deep knowledge and
14 understanding of this after having worked as a research
15 assistant with a professor who wrote probably one of
16 the most influential and accurate books about Saudi
17 dissident politics during the times, if you're asking
18 could I have gained additional knowledge by being on
19 the ground, maybe.

20 But on the other hand at that point in
21 time, it was very difficult to get a very firm
22 grounding on that inside Saudi society because people
23 weren't open about these things. So I would say that I
24 did what most other academics would have done in that
25 circumstance.

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1 I faced similar problems with Iraq. I was
2 also studying Saddam Hussein's Iraq at that point and
3 the Iraqi regime. Unfortunately it was not possible to
4 go to Iraq and physically visit and get a very good on
5 the ground interpretation of what people's views were
6 at that point in time because obviously traveling to
7 Iraq would have been dangerous.

8 But aside from that, ordinary Iraqis would
9 not have necessarily shared their opinions or their
10 views or what was really going through their heads
11 because they faced retribution for doing that
12 especially to an outsider such as myself.

13 BY MR. CURRAN:

14 Q What were the circumstances under which you
15 did your sole visit to Saudi Arabia?

16 A I did it under the auspices of the United
17 Nations working with the Saudi government to understand
18 radicalization and discuss means by which individuals
19 could be deradicalized and society could be
20 deradicalized and how to fight against the ideology and
21 messaging of Al-Qaeda within the kingdom.

22 Q And how long did you spend in Saudi Arabia?

23 A About a week. I mean, I was there -- I was
24 there at the invitation of the Saudi interior ministry.

25 Q Mr. Kohlmann, in your report, you refer to

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1 the Golden Chain list, correct?

2 A That's correct, yes.

3 Q And have you -- have you seen that list?

4 A Many times.

5 Q But you don't read Arabic?

6 A No. I've seen the original list in Arabic.
7 I've also seen translations in English.

8 Q And in your report, I think it's page 7,
9 you can see in the second full paragraph there, you say
10 the Golden Chain document which the United States has
11 described as a secret list of the 20 most prominent
12 donors to the Al-Qaeda network in the Arabian gulf
13 region dating from the late 1980s. Do you see that,
14 sir?

15 A Yes.

16 Q And for that, you source or you cite a Wall
17 Street article from March 18th, 2003?

18 A That's correct.

19 Q First of all, why are you citing a Wall
20 Street journal article from March 18th, 2003, in
21 support of what the United States has described?

22 A I believe U.S. officials were quoted in
23 that article, but I'd have to see the article again to
24 know.

25 Q Okay. We'll show you the article.

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1 (Kohlmann Exhibit EK15 was marked for
2 purposes of identification.)

3 MR. CURRAN: This is tab 2 which will
4 become EK15.

5 BY MR. CURRAN:

6 Q Sir, is that the document that you cite in
7 footnote 8?

8 A It is. It is.

9 Q And have you identified the basis for your
10 statement that the United States has described the
11 Golden Chain document as a secret list of the 20 most
12 prominent donors to Al-Qaeda?

13 A That's my characterization, but I believe
14 it's derived from the first sentence of the article as
15 well as the -- sorry -- the second paragraph under
16 where it says U.S. Saudi ties starting with the Golden
17 Chain list was confirmed by U.S. officials. But that's
18 my characterization of how it was described.

19 Q Okay. Because this article says in that
20 third paragraph that the Golden Chain list doesn't
21 indicate the size of the donations, correct?

22 A That's correct, yes.

23 Q And it also says that it was drawn up at a
24 time when supporting the Afghan revolt against the
25 Soviet invaders, Mr. bin Laden's cause at the time was

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1 a top U.S. foreign policy objective as well as a Saudi
2 national cause with deep patriotic and religious
3 overtones, correct?

4 A That's correct. However, the funding that
5 these people were giving their money to which was
6 basically Arab Afghan fighters on the Soviet Afghan
7 border -- excuse me -- on the Afghan Pakistani border,
8 this was something the United States had nothing to do
9 with. I know that because of the fact Dr. Mark Sagmen
10 who was one of the individuals involved with the
11 program to provide support to Afghan Mujahideen did not
12 know who any of these people were at the time and has
13 acknowledged that he did not know -- he didn't know any
14 of these people, didn't know they existed.

15 So while the U.S. was supporting the Afghan
16 cause against the Soviets, the United States was not
17 providing support to the Arab Afghan fighters on --
18 that these people were supporting.

19 Q Okay. But do you dispute the statement in
20 this article that supporting the Afghan revolt against
21 Soviet invaders was a top U.S. foreign policy objective
22 at the time?

23 A Yes. That was a top U.S. policy objective.
24 However, the people who were funding here, they were
25 not funding the Afghan fighters. They were funding

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1 Arab Afghan fighters, in other words, foreign fighters.
2 So while those foreign fighters happened to be engaged
3 in fighting the Soviets and fighting the Afghan
4 communist government, that's not all they were doing at
5 the time.

6 Q Okay. But that so-called Golden Chain list
7 is just a list of names, right?

8 A Correct.

9 Q It doesn't say anything about whether
10 they're donors, how much they've given or whether
11 they've been approached, whether they're potential
12 donors? It doesn't provide any descriptive
13 information, correct?

14 A My understanding is then the basis of
15 statements by among others Jamal Alfodal that these
16 were identified as prominent donors to the Arab Afghan
17 network led by bin Laden. And, of course, if you look
18 at the list, who else is on the list. Adel Batterjee,
19 the founder or one of the founder of Benevolence
20 International Foundation, someone who wrote a book
21 about the founding of Al-Qaeda at this time. So, yes.
22 Again, based on other information and other evidence,
23 it appears that that's what this is.

24 Q Are you aware that the Court in this case
25 has reached different conclusions?

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1 MR. CARTER: Objection.

2 THE WITNESS: I'm not familiar with what
3 conclusions the Court has reached. I'm just familiar
4 with what information that I have and what conclusions
5 I have reached.

6 BY MR. CURRAN:

7 Q Are you aware that Judge Casey in this case
8 has held, quote, with no indication of who wrote the
9 list, when it was written or for what purpose, the
10 Court cannot make the logical leap that the document is
11 a list of early Al-Qaeda supporters, close quote?

12 A I may be vaguely familiar with that. But,
13 again, I'm not basing my own research on what the judge
14 in this case has said. I'm basing it on what the
15 research I have done and the information I have at my
16 disposal. I'm not -- as far as I understand it, I'm
17 not supposed to be making conclusions on my own
18 expertise based on what the -- the relationship I think
19 is the reverse which is the judge accepts what my
20 expert testimony is and then makes a judgment about
21 whether or not he believes the evidence. It's not -- I
22 don't believe I'm supposed to be taking cues from the
23 judge as far as I understand it.

24 Q Okay. But you -- don't you take into
25 account all -- all information available to you and you

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1 weigh its various credibility in assessing what
2 narrative you want to adopt?

3 A Factual statements or statements of -- but
4 not conclusory statements from judges, not generally
5 speaking unless it's in the basis of an established
6 fact or something like that. But, again, this case as
7 far as I understand it, the relationship is supposed to
8 be the opposite. I'm supposed to be providing my
9 expert testimony or my expertise and the judge is
10 supposed to be weighing that against whatever
11 information and then coming to a conclusion. I don't
12 think it was the reverse my understanding.

13 Q So you're basing your conclusion on
14 information from Mr. Alfodal?

15 A I'm basing my information from my
16 communications with Adel Batterjee, individuals who
17 have been part of Al-Qaeda and provided testimonies
18 about what they've experienced, the documents, my
19 research of the individuals on the list and what
20 support they may or may not have provided the Arab
21 Afghans at the time. It's not based one document.
22 It's based on the compendium of my research.

23 I was able to communicate with
24 Adel Batterjee back in approximately 2000. Mr.
25 Batterjee provided me with a -- excuse me. 2001. Mr.

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1 Batterjee provided me with a very detailed book of his
2 own personal recollections of what he claimed was his
3 personal recollections of the time. Much of the
4 information in that book was cor -- corroborates
5 different pieces in the Golden Chain document. So that
6 was my interpretation based on looking at
7 contemporaneous documents, other people who looked at
8 this and described what it is, et cetera, et cetera.
9 That's what the basis is.

10 Q Okay. The so-called Golden Chain list is
11 from the 1980s, correct?

12 A Approximately 1988, I think.

13 Q Okay. And what's your basis for that date?

14 A Because of the fact that the information
15 that's contained in the list as well as the names are
16 matched with what it is in Dr. or -- excuse me -- what
17 is in Adel Batterjee's book contemporaneously with the
18 exact same time period as well as what is matched with
19 other documents that were obtained from the same source
20 at the same time.

21 In other words, the Golden Chain list was
22 obtained in a sheaf of other documents from Bosnia
23 Herzegovina and there are other documents in that group
24 that have dates on them or have time periods. All of
25 those time periods are approximately between late 1987

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1 and approximately 1990.

2 Q Okay. So if the list was prepared in or
3 around 1988, it would be stating the affairs as they
4 existed at that time, correct?

5 A Yes, that's fair.

6 Q Okay. And in 1988 as Mr. Simpson says in
7 his Wall Street Journal article, it was the Afghan
8 revolt against the Soviet invaders that was -- that was
9 happening, correct?

10 A It was also the founding of Al-Qaeda.
11 Al-Qaeda was founded the exact same time. And, again,
12 there's -- it's important not to confuse two different
13 things. There are the Afghan Mujahideen who are
14 fighting against the Soviets and then you have foreign
15 fighters, the Arab Afghans who come in and who
16 participate in some of the training camps and set up
17 their own operations.

18 However, by and large, the Arab Afghans
19 were fighting on their own. They didn't speak Afghan
20 languages. They didn't speak Dari. They didn't speak
21 Pashto for the most part. So they couldn't fight
22 side-by-side with the Afghans. They had their own
23 units. They had their own priorities.

24 And, in fact, if you read Adel Batterjee's
25 book about this period, you will see that while there

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1 are Arab units that joined into operations that were
2 being launched by Afghan Mujahideen, they were
3 essentially a separate organization governed by
4 separate leadership and they did not always agree with
5 everything that the Afghan Mujahideen were doing nor
6 did they always participate in what the Afghan
7 Mujahideen were doing.

8 Q But bin Laden's first public fatwa calling
9 for a tax against the United States was in 1996,
10 correct?

11 A False.

12 Q Okay. You tell me. When -- when did
13 Al-Qaeda issue the first public fatwa calling for a tax
14 against the United States?

15 A Osama bin Laden's first fatwa against the
16 United States was approximately 1991. It was against
17 the U.S. presence in Somalia and in Yemen. The first
18 public fatwa that was issued in Al-Qaeda's name was in
19 1996.

20 Q Okay. Well, all the dates you just said
21 are after 1988, correct?

22 A Correct.

23 Q So any list of donors, potential donors or
24 people who rejected donations or people who were
25 possibly approached, whatever the list is, it wouldn't

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1 have any correlation to a subsequent initiative by
2 Al-Qaeda and bin Laden to attack the United States?

3 MR. CARTER: Objection.

4 THE WITNESS: There's a difference between
5 issuing a fatwa and announcing what the priorities are.
6 Already by approximately 1988 or '89, it was clear
7 statements on the path of not just on Osama bin Laden
8 but also Dr. Abdullah Azzam, one of the heads of the
9 Arab Afghan movement that the targets of the movement
10 would not just be the Soviet Union or Afghanistan, but
11 that would also include western states including the
12 United States because of their support for Israel.

13 Azzam gave a very famous video in which he
14 talked about the fact that terrorism was a key aspect
15 of what they intended to do and specifically talking
16 about terrorism against the west. This was recorded on
17 video. It was later featured in Al-Qaeda propaganda
18 videos.

19 So there's a difference between a first
20 fatwa which is a first religious edict or political
21 edict versus what these folks were talking
22 contemporaneously at the time and contemporaneously at
23 the time by -- already by 1988, Abdullah -- it had to
24 be because Azzam was killed in '89.

25 Azzam and others were discussing about the

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1 need to launch attacks against Israel, about the need
2 to launch attacks against the United States. This was
3 not something that was new or radically different that
4 had not already been expressed previous to that. It
5 just wasn't in a fatwa.

6 BY MR. CURRAN:

7 Q Okay. So it's your testimony that --
8 correct me if I'm wrong. Is it your testimony that the
9 people on the Golden Chain list are people who provided
10 financial support for attacks against the United
11 States?

12 MR. CARTER: Objection.

13 THE WITNESS: I don't know whether they did
14 or they didn't. All I can tell you is is that at the
15 time that were already giving money, the individuals
16 that were behind both Al-Qaeda as well as the Arab
17 Afghan movement in general including Abdullah Azzam
18 were very explicit about their interest in launching
19 attacks against foreign countries including Israel, the
20 United States, Egypt and others. This was not by any
21 means a secret.

22 Whether or not the individuals on that list
23 were aware of that, I couldn't speak to it, although it
24 certainly was not by any means secret information. It
25 is in -- it is in Adel Batterjee's book which was

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1 published in 1991. It is in the recollections of the
2 people who were there at the time. It is contained in
3 video records of Abdullah Azzam who spoke about this
4 not just in -- I was going to say in the Middle East,
5 but he even gave speeches here in the United States.

6 And one in particular I can recall in
7 Seattle in 1988 in which he announced this very
8 specifically that the United States was basically an
9 adversary, that the CIA was an adversary and enemy and
10 that they would need to launch training camps -- they
11 would need to train people and launch new training
12 camps to launch people to attack Israel and other
13 targets.

14 BY MR. CURRAN:

15 Q How much money did the Golden Chain people
16 give?

17 A I don't know exact amounts.

18 Q Roughly just -- roughly in the millions,
19 how many?

20 A I wouldn't -- I wouldn't hazard a guess.

21 Q When? When did they make the donations?

22 A The donations were approximately from 1988
23 onwards.

24 Q Oh, you know it's onwards from -- on the
25 basis of the -- of the Golden Chain list, you can tell

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1 what the future holds?

2 A No. On the basis again of Dr. Batterjee's
3 book where he talks specifically about some of the
4 people that are on the Golden Chain and about their
5 relationships with the Muslim World League and others.
6 It's -- what's in the Golden Chain is not -- it's not
7 taken in a vacuum. There's other documents from the
8 same group that were at the same time that mentioned
9 some of the these same individuals who are also
10 mentioned in Mr. Batterjee's book. It's part of one
11 story line.

12 Q In your report, you say -- and I'm quoting
13 as I did before without saying so. Al-Qaeda issued
14 public fatwas calling for a tax against the United
15 States in 1996 and 1998, period, close quote. Do you
16 agree with that?

17 A They did issue fatwas in 1996 and 1998.

18 Q Public fatwas?

19 A Correct.

20 Q There's a difference between public fatwas
21 and private fatwas?

22 A Public as in what? According to --
23 according to folks within the movement in 1991, bin
24 Laden issued a fatwa. It just wasn't issued publicly.
25 It was issued internally within Al-Qaeda and its

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1 friends. How far it went, I have no idea.

2 The most famous fatwas that were issued by
3 Al-Qaeda were in 1996 and 1998 as well as in 1999, but
4 those were because of the fact that those were
5 literally faxed all over the world. They were faxed to
6 news organizations. They were widely broadcast. That
7 doesn't necessarily mean they were the only ones that
8 were issued, that they were only statements of policy.
9 Certainly they were not the only statements of policy
10 that bin Laden and Al-Qaeda ever made.

11 There are also videos of Osama bin Laden
12 talking about this stuff early on in approximately
13 1994, 1995, even before then. So I think, again,
14 there's a -- there's a distinction between a statement
15 of policy versus issuing an official fatwa. It was not
16 a secret what Al-Qaeda was interested in.

17 Certainly if look at Al-Qaeda's activities
18 in 1993, Al-Qaeda was responsible for dispatching Yusuf
19 al-Ayiri who was a senior Saudi Al-Qaeda member to
20 Somalia in order to fight against U.S. troops there.
21 He activity took part in combat against U.S. peace
22 keepers there. That was in 1993. That was far, far
23 before the 1996 fatwa.

24 That was because of their enmity towards
25 the United States and their interest in fighting

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1 against the United States and that was long before the
2 first public fatwa in '96. So, again, it's -- a
3 statement of policy is different than saying the
4 official fatwas.

5 Q And your report also says at least as early
6 as 1992, bin Laden began advocating Jihad holy war
7 against the United States?

8 A Correct.

9 Q Why did you say at least as early as 1992
10 if you think it goes years before that?

11 A Because we know that for certain because of
12 a bombing that occurred in Yemen at the time. There
13 were U.S. peace keepers that were stationed at a hotel.
14 I forget the exact name of the hotel in -- I believe it
15 was Aden. And there was a bombing targeting the hotel.
16 It was specifically targeting U.S. peace keepers.

17 It was carried out by affiliates of
18 Al-Qaeda. It was carried out deliberately because of
19 the fact that Osama bin Laden had directed efforts to
20 try to thwart U.S. peace keeping operations in Somalia.
21 That was the first very concrete and obvious sign that
22 the war had begun. It wasn't just a theory anymore.

23 But, again, if you look at -- the most
24 obvious statements really are from Abdullah Azzam, you
25 know, video recordings because, again, Azzam died in

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1 '89. So there's no doubt that the video recordings he
2 made were prior to that. And there are several
3 different video recordings at the time including video
4 recordings recorded here in the United States in which
5 he announced -- he enunciates the desire to wage war
6 against the United States, to wage war against Israel,
7 to set up training camps to launch into other
8 countries, et cetera, et cetera.

9 These speeches were in Arabic, but they
10 were delivered publicly at major events including
11 events put on by groups like the Muslim Arab Youth
12 Association, et cetera, et cetera. They were major
13 conferences and whatnot.

14 Q So how is it that bin Laden wasn't
15 designated by the U.S. until 1988 and Al-Qaeda until
16 1989?

17 A You mean 1998?

18 Q 1998 and 1999.

19 A I can't really answer that question because
20 I don't work for the U.S. government. I can tell you
21 that as of 1996, it was obviously already very clear
22 that Osama bin Laden and Al-Qaeda were at war with the
23 United States because he announced a declaration of war
24 with the United States.

25 The fact that they were not designated

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1 until years later could be because of the fact that
2 there was no designation process until 1996 because it
3 was established by the 1996 effective -- effective
4 death penalty and -- sorry -- Anti-terrorism and
5 Effective Death Penalty Act. There was no process
6 before that. It didn't exist. But I'm not an expert
7 in U.S. -- in U.S. government policy in that regard or
8 the mechanisms that -- by which or why they would have
9 delayed it.

10 So -- but I can tell you that, yes, there
11 was -- there was very obvious evidence prior to that
12 and, again, it's very obvious. There was a declaration
13 of war in 1996 and the designation -- there was no
14 official U.S. designation until 1998.

15 Q But the first terrorist attack against U.S.
16 interest that was led by Al-Qaeda were the embassy
17 bombings in East Africa in 1998, correct?

18 A No. I would disagree with that. I don't
19 think that that's reflected either in U.S. government
20 documents. It's very clear that Al-Qaeda personnel
21 took place -- took part in combat operations targeting
22 U.S. peace keepers in Somalia in 1993. It's very
23 obvious. Al-Qaeda has acknowledged as much.

24 There's the bombing in Yemen that took
25 place in 1992. There was also an attempted car bombing

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1 in Bosnia in December 1995 not to mention other
2 operations that were receiving Al-Qaeda support
3 including what has been dubbed operation Bojinka, in
4 others word, the plot to bring down simultaneously U.S.
5 airliners crossing the Pacific which was in the
6 operation that was engineered by KSM but with support
7 and assistance from Al-Qaeda.

8 So I -- if you're talking about successful
9 attacks, if you're talking about major successful
10 attacks, if you're talking about major successful
11 attacks that were formally and officially claimed
12 contemporaneously by Al-Qaeda, it just depends how
13 you're referring to it, but --

14 Q I said led by Al-Qaeda.

15 A Again, led by Al-Qaeda, you can go all the
16 way back to 1992, '91.

17 Q So U.S. government was really behind when
18 it waited to designate bin Laden until '98 and Al-Qaeda
19 in '99?

20 MR. CARTER: Objection.

21 THE WITNESS: I think -- I think there was
22 a delay, but I can't account for why there was that
23 delay. I can't account for -- obviously the U.S.
24 government was aware of Osama bin Laden at that time.
25 The U.S. government had expended significant resources

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1 into tracking bin Laden's network in Sudan up until
2 they left in approximately 1995.

3 One of the reasons why bin Laden was forced
4 to leave Sudan was primarily because of U.S. diplomatic
5 pressure. So I -- you know, why the U.S. decided to
6 only designate it later, why they decided to take
7 certain actions at different points, I can't answer
8 that question. All I can tell you is the U.S.
9 government was taking concerted action to limit and
10 to -- to limit of freedom of movement by bin Laden to
11 constrain his activities as early definitely as 1994
12 and '95 because, again, it was U.S. diplomatic pressure
13 that primarily led to bin Laden, his acolytes being
14 thrown out of Sudan.

15 Q You know that Sudan offered bin Laden to
16 the United States in -- in or around May of 1996,
17 correct?

18 MR. CARTER: Objection.

19 THE WITNESS: You mean Sudan offered bin
20 Laden to the United States?

21 BY MR. CURRAN:

22 Q Yes.

23 A I've heard reports to that effect, but I
24 don't think I've seen definitive information to that
25 effect.

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1 Q Do you doubt that?

2 A I don't know. I don't know. I have no
3 idea. I don't know. At the moment, it's -- it's -- I
4 would say it's not -- not been proven to a degree to
5 which I would be able to rely on that statement.

6 Certainly the U.S. went to some means to great lengths
7 to track bin Laden's network at that point and to try
8 to get them out of Sudan.

9 They used a tremendous amount of diplomatic
10 and other pressure to do that. What else they may have
11 been doing at the time, I can't say. I don't -- I
12 don't work for the -- I have not and I do not work for
13 the Central Intelligence Agency. I don't work for
14 State Department. I can't answer that question.

15 Q Tell me again -- well, describe for me your
16 interactions with Mr. Alfodal.

17 A My interactions with him?

18 Q Yeah.

19 A I never met him in person. I have -- I
20 have reviewed all the statements he made during his
21 testimony in the 2001 trial United States versus Osama
22 bin Laden, et al. I've also read his secondary
23 interview that he did with the U.S. Justice Department
24 as part of the investigation of Benevolence
25 International Foundation in Chicago. I have read a

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1 third interview with him. I can't remember what the
2 source of that one is. And I've -- I've read different
3 accounts about his life, his various different foibles,
4 et cetera, et cetera.

5 Q How do you assess his credibility?

6 A I assess his credibility on the basis of
7 everything else. I try to see what he has said and I
8 try to cross reference to see whether or not it can be
9 cross referenced through other sources. From what I
10 have seen, a good amount of what Jamal Alfodal has
11 talked about is readily verifiable.

12 You know, it's -- you can just look to
13 certain things he talks about in the embassy bombing
14 transcript, the embassy bombing trial transcript. He
15 talks a lot about someone named Sheikh Saeed (ph). He
16 keeps talking about Sheikh Saeed as the head of
17 basically Al-Qaeda's financial committee and this guy
18 is a -- he's a bit of a jerk and he doesn't want to
19 give money to anybody and he's a real shit and this --
20 and whatnot.

21 So it turned out about five years after he
22 testified in that trial, Al-Qaeda's Alsaahad (ph) media
23 released a video all about Sheikh Saeed whose real name
24 was Mustafa Abu al-Yazid who indeed was an Egyptian who
25 indeed was an Al-Qaeda Sharia council member who indeed

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1 was in charge of Al-Qaeda's finances who indeed was a
2 bit of a jerk when it came to giving out money to
3 people, et cetera, et cetera.

4 So like I said, there have been a number of
5 very clear instances where Mr. Alfodal has discussed
6 key members of Al-Qaeda's infrastructure, Sharia
7 council members, training camps, et cetera. And that
8 information has been corroborated through other means.
9 If he's -- if he's made errors over this course of
10 time, it's certainly possible. If he said something
11 that's not true, it's certainly possible, but I have
12 seen a good amount of corroboration of the things he
13 has said especially the key aspects about Al-Qaeda's
14 leadership, financing, historical activities, et
15 cetera, et cetera.

16 Q Is it your understanding that Al-Qaeda
17 obtained most of its funding from charitable
18 diversions?

19 A Starting in approximately 1992, yes, that's
20 my understanding.

21 Q Do you have any understanding as to whether
22 there were other sources of funds available to
23 Al-Qaeda?

24 A My understanding is that there were, yes.

25 Q What were those?

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1 A Individual large donors simply giving money
2 in cash, in some cases businesses that Al-Qaeda
3 operated or Al-Qaeda took over and used to generate
4 funds. In some cases, theft or various different forms
5 of criminal activity that were used to generate money.
6 But generally speaking as far as I have seen, the vast
7 majority of funds came from either direct donations,
8 someone -- a sympathetic person giving money directly
9 or through laundering money through the charities.

10 Q What businesses?

11 A Before Al-Qaeda left Sudan, Al-Qaeda
12 operated a tannery. It operated a fish farm. It
13 operated various other different businesses. There
14 were also investments in chemical plants and things
15 like that. There were -- there was a variety of to
16 do -- a variety of different things such as that. Also
17 my understanding is there may have also been businesses
18 in Afghanistan that Al-Qaeda was able to get money out
19 of.

20 Q Well, the 9/11 commission report says that
21 when bin Laden was kicked out of Sudan, he left
22 penniless.

23 A That was in 1995, correct. And that's when
24 the charities took on a huge -- hugely important new
25 role because at that point, bin Laden no longer had

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1 access to his traditional sources of funding outside of
2 the charities. And at that point, it was impossible
3 for him to be able to send money or receive money under
4 his name or under the name of anyone associated with
5 Al-Qaeda.

6 At that point, Al-Qaeda required a means by
7 which it could transfer, launder, raise large sums of
8 money, bring it across international borders including
9 into western states including into bank accounts and
10 the charity was -- charities were a very effective
11 means of doing that because of the fact that outside of
12 the Arabian peninsula, most people had never heard of
13 these charities. Most people didn't know what these
14 charities were about.

15 And most of these charities had names that
16 from a western perspective sounded very innocuous,
17 relief organization, helping hands, you know, helping
18 the needy, you know. Some of these charities were
19 small. Some were large. But the bottom line was is
20 that was the most effective way for Al-Qaeda to be able
21 to raise money, to transfer money and also to obtain
22 travel documents for its -- for its fighters trying to
23 get into Chechnya, for instance, or Bosnia.

24 It was a very difficult thing to do. In
25 order to get into Bosnia, you had to travel through

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1 Croatia. Croatia was not necessarily sympathetic to
2 Islamic extremists. In order to get to Chechnya, you
3 had to travel through Georgia or through another --
4 again, another place that was not sympathetic to
5 Islamic extremists.

6 How would you be able to justify sending
7 someone through these areas that was a foreign national
8 from a place like Saudi Arabia without generating a
9 tremendous amount of scrutiny? The easiest way was to
10 give them an ID card from a charity and say this person
11 is here to help widows and orphans and this and that.
12 Let them through and that would sometimes allow them to
13 do that.

14 Q So you've said twice now that bin Laden was
15 kicked out of Sudan in 1995. In fact, it was May of
16 '96, correct?

17 A It began in -- so the process took place
18 over a period of time. What happened first is that
19 some of Al-Qaeda's associates were kicked out
20 initially. Lybia -- some Lybians and some others were
21 kicked out. Then others began to leave and then the
22 formal -- the formal end came in '96, but it was -- it
23 was a period of -- it was a period of about a year
24 where the relationship between the Sudanese national
25 Islamic front and -- led by Hassan Al-Turabi with bin

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1 Laden began crumbling very rapidly.

2 Q So you know Al-Rajhi Bank observes Sharia
3 principles, correct?

4 A I believe so, yes.

5 Q What does that mean to you?

6 A It means that they adhere to what they
7 believe is the proper reading of Islamic law as it
8 applies to gathering interest, as it applies to
9 receiving donations and who they deal with, the
10 customers, et cetera. In other words, to make sure
11 that the bank is operating according to Islamic law.

12 Q Do you think a bank's adherence to
13 principles of Sharia law is an indication of support
14 for terrorism?

15 A Absolutely not. It really -- Sharia law is
16 much like the word Jihad. That is a very open-ended
17 thing. It's in the eye of the beholder because
18 Sharia is -- there is no Pope in Islam. Sharia is
19 really a compendium of rules and regulations that sort
20 of depend on the authority of the person issuing them
21 or what sect they're a part of or what sect they
22 believe in, right?

23 So it really depends on context. There may
24 be some banks that believe that proper Sharia
25 compliance means that they have to give money to

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1 Jihadi -- violent Jihadi organizations, right? But a
2 normal -- normal reading of Sharia law compliance
3 particularly in the Arabian peninsula does -- usually
4 has nothing to do with terrorism. It has to do with
5 most of the time rules about interest collection.

6 Q Have you studied Al-Rajhi Bank's commitment
7 to Sharia principles?

8 A Other than me being familiar that
9 they're -- that they are, you know, in language in any
10 way committed to that, no, I have not.

11 Q Are you aware that Al-Rajhi Bank is the
12 largest bank in Saudi Arabia committed to Sharia
13 principles?

14 A It wouldn't surprise me, but my
15 understanding is Al-Rajhi Bank is one of the largest
16 banks in Saudi Arabia and most banks in Saudi Arabia
17 have at least some Sharia compliant departments. So it
18 wouldn't surprise me to hear that, no.

19 Q Are you aware that Al-Rajhi Bank has more
20 retail branches than any other bank in Saudi Arabia?

21 MR. CARTER: Objection. Sorry, Chris. Are
22 you talking now? I'm just unclear on the timeframe.
23 I'm sorry.

24 BY MR. CURRAN:

25 Q Let's make it now for the moment.

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1 A I'm not familiar with that. It's possible.
2 And would it surprise me, I don't know. Honestly I
3 don't know. There's a lot of banks now that are
4 operating in the Arabian peninsula honestly, so --
5 and -- and I don't -- I don't know what the right
6 answer to that question is.

7 Q So let's go back to the relevant period
8 which again is January 1st, '98, through December 31st,
9 2002. During that period, what's your understanding as
10 to Al-Rajhi Bank's retail network?

11 MR. CARTER: Objection as to form.

12 THE WITNESS: It was one of the largest
13 banks in Saudi Arabia.

14 BY MR. CURRAN:

15 Q Including in terms of retail branches?

16 A I've never used it as a retail bank, so I
17 can't really say that. But, again, just my
18 understanding is it's one of the largest banks in Saudi
19 Arabia which I would assume also encompasses retail
20 operations as well.

21 Q Including retail branches throughout the
22 country Saudi Arabia, correct?

23 A Again, that would be my understanding.

24 Q On your one visit to Saudi Arabia of about
25 a week, did you visit any Al-Rajhi Bank branches?

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1 A No, I did not. Well, not that I -- not
2 that I know of. I might have by accident or I might
3 have just past through one, but not that I know. Not
4 with deliberate effect, no, or intent rather.

5 MR. CURRAN: Okay. Let's take a short
6 break.

7 THE VIDEOGRAPHER: Off the record at 2:54.

8 (Deposition recessed at 2:54 p.m.)

9 (Deposition resumed at 3:09 p.m.)

10 THE VIDEOGRAPHER: We're back the record at
11 3:09.

12 BY MR. CURRAN:

13 Q Mr. Kohlmann, a couple of more questions on
14 the Golden Chain document. And, again, that's
15 referenced on page 7 of your report. I think -- I
16 think the Golden Chain may be referenced in only one
17 sentence in your report, but the one on page 7.

18 A That's correct. I believe so.

19 Q Okay. And there you -- as we've discussed,
20 you cite to the Wall Street Journal article authored by
21 Glen R. Simpson, correct?

22 A Correct.

23 Q Are you familiar with Glen R. Simpson?

24 A He's actually a friend of mine.

25 Q And you know he's been in the mix on the

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1 Steele dossier, correct?

2 A Oh, you're talking about the Trump thing.

3 Q Yes.

4 A Yes. I -- tangentially. I'm not that
5 familiar with the situation, but I know it
6 tangentially, sure.

7 Q Well, I was going to ask if that caused you
8 to have any concerns about the credibility or
9 reliability of Mr. Simpson's reporting?

10 A I have worked with Glen since I was a
11 sophomore in college. I've known him since then. I
12 have worked with him in any number of different
13 contexts. He's an exceptionally smart person. He's
14 exceptionally precise. He's very sharp. He's probably
15 one of the smartest financial investigators I've ever
16 seen never mind had the chance to work with. I have a
17 great deal of confidence in the work that he does
18 generally.

19 Q But the Steele dossier didn't pan out,
20 correct?

21 A Some aspects of it might not have, but,
22 again, that was not necessarily him. That was the
23 sourcing from what I understand. I'm not an expert in
24 the Steele dossier, so --

25 Q But when you say it's the sourcing, but the

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1 sourcing that Simpson and others relied upon?

2 A Well, let me be very clear. I'm very, very
3 familiar with Glen's work when it comes to terror
4 finance investigations. And I have a tremendous amount
5 of confidence in the terror finance work he's done.

6 And I have a confidence because of the fact that I have
7 seen an enormous amount of corroborating information
8 which shows what he has done. I also believe he's very
9 careful in the major -- the vast majority of the
10 research I've seen him do. He's very careful with it
11 and that's why he worked for the Wall Street Journal.

12 Q Yeah. But he's no longer a journalist,
13 right?

14 A No. He's good enough now that he does
15 investigations like this as his main -- his main source
16 of work as far as I understand.

17 Q How did you get to know him as a sophomore
18 in college?

19 A I got to know him because of the fact that
20 at the time, I was working at the investigative project
21 which is a think tank that was based here in
22 Washington, D.C. I was working with journalists, law
23 enforcement representatives as well as policymakers on
24 Capitol Hill as it pertained to terrorist finance. I
25 was also working as part of my -- I was working on my

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1 academic studies where I was doing focus on terrorist
2 finance and terrorist recruitment. As a result of my
3 work doing this, I got to know Mr. Simpson, Glen, and I
4 got to work alongside of him for a good bit of time.

5 Q Are you aware that Al-Rajhi Bank sued the
6 Wall Street Journal in Europe on the basis of reporting
7 done by Mr. Simpson?

8 A I'm vaguely aware of that lawsuit, yeah.

9 Q Are you aware that that lawsuit was
10 resolved when the journal agreed to print a
11 clarification and a letter from the bank's top
12 executive?

13 A Vaguely. Vaguely.

14 Q Okay. Different line of questions. Page
15 41 of your report --

16 A Yes.

17 Q -- the first full paragraph there.
18 Consistent with the material presented above, there is
19 a multitude of evidence that Sulaiman Al-Rajhi,
20 Al-Rajhi Bank, the Sulaiman Abdulaziz Al-Rajhi
21 Charitable Foundation and the broader Al-Rajhi family
22 have provided charitable contributions and substantial
23 support to the designated Al-Qaeda financial front
24 groups as well as individual violent extremists,
25 period. First of all, have I read that correctly?

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1 A Correct.

2 Q I want to focus first on Al-Rajhi Bank
3 itself.

4 A Sure.

5 Q Sir, you're not aware of any donations by
6 Al-Rajhi Bank to any of the charities identified in
7 your report during the relevant period, correct?

8 A Donations from the bank to the charities?

9 Q Correct.

10 A Correct.

11 Q And when you refer to substantial support
12 to designated Al-Qaeda financial front groups as well
13 as individual violent extremists at least in the case
14 of Al-Rajhi Bank, you're talking about banking activity
15 as support?

16 A Correct.

17 Q And when you're talking about banking
18 activity, you're talking about the maintenance of
19 accounts and the carrying out of transactions, correct?

20 A Yeah. Everything from -- from creating
21 accounts to wire transfers, issuing travelers checks,
22 converting sums of money, accepting donations, sure,
23 yes.

24 Q But you're not aware of any commercial
25 lending or any other type of extension of credit that

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1 Al-Rajhi Bank gave to these financial front groups or
2 individual violent extremists?

3 A Commercial lending, no. I don't know
4 about -- about -- about credit. I don't know whether
5 or not the money was being directly deposited --
6 directly withdrawn from accounts or being given on
7 credit. I don't know that.

8 Q But you don't identify any loans or
9 extension of credit that Al-Rajhi Bank extended to any
10 of these groups or extremists?

11 A Not offhand, no.

12 Q And then broadening the question now to
13 include the whole group, not just Al-Rajhi Bank, but
14 also Mr. Al-Rajhi, the bank and the charitable
15 foundation and the broader Al-Rajhi family, you are not
16 aware of any charitable donations or substantial
17 support provided to designated Al-Qaeda financial front
18 groups while those groups were designated, correct?

19 A You mean -- are you saying after they were
20 designated?

21 Q Yes.

22 A There's substantial evidence showing before
23 the designation, but, again, not after the designation
24 because after the designation, they could no longer
25 receive money to those accounts.

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1 Q Okay. Other than through cash payments or
2 some other extraordinary circumvention?

3 A Precisely.

4 Q And you're not aware of any such cash
5 donations or circumvention?

6 A Not that I'm aware of, no.

7 Q And the same question. Again, this applies
8 to both Mr. Al-Rajhi, Al-Rajhi Bank, the charitable
9 foundation and the broader Al-Rajhi family. You're not
10 aware of them providing anything to designated
11 individual violent extremists after designation?

12 A Post designation, not directly, no, not by
13 name, not directly.

14 Q The next sentence. It is also clear that
15 Al-Rajhi Bank provided key high value financial
16 services to the 9/11 hijackers. I'll pause there.
17 When you say key high value financial services, you're
18 talking about the same banking activities you referred
19 to a moment ago, correct?

20 A Correct. Correct.

21 Q Their associates and most important -- and
22 the most important Al-Qaeda charities. Okay. With
23 respect to that whole sentence, the financial services
24 you're referring to is the same financial services you
25 were referring to before, the maintenance of accounts,

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1 the execution of transactions, et cetera?

2 A That's fair, yes.

3 Q And, sir, I think we've established that
4 you reviewed the and cite the banking information of
5 the 9/11 hijackers with respect to their accounts at
6 Al-Rajhi Bank, correct?

7 A Correct.

8 Q But I think you've stated that you were not
9 provided with the banking information related to the
10 accounts of Osama bin Laden, correct?

11 A I think I was -- I don't -- I was provided
12 with information about the accounts, but I don't think
13 I was provided information about individual -- about
14 individual transactions on the accounts, no.

15 Q Well, there were no transactions in those
16 accounts during the relevant period, correct?

17 A I would guess not because they would have
18 been frozen by then. But I -- like I said, I don't
19 know. I know that I was provided information about the
20 accounts, but I don't think I was provided details
21 about any transactions that would or would have not
22 occurred during that period.

23 Q Well, I guess technically since bin Laden
24 was first designated in '98, it could be theoretically
25 possible that there would have been transactions in

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1 early '98?

2 A I would assume not because of the fact that
3 bin Laden had his finances frozen in the kingdom
4 starting in 1993. So I would assume no. But, again, I
5 don't recall being shown at that level of detail to be
6 able to ascertain that.

7 Q Yeah. Just as a factual matter, wasn't it
8 in '94 that bin Laden's citizenship was revoked?

9 A His citizenship was revoked in '94, but my
10 understanding is they basically stopped financial
11 transactions sometime in '93. They -- what happened
12 was that they arrested his bookkeeper traveling back
13 and forth between Saudi Arabia and Sudan in '93 and
14 that was the beginning of the end of his ability to use
15 the banking system with his name on accounts.

16 Q Sir, you're aware that Al-Qaeda conducted
17 terrorist attacks in Saudi Arabia, correct?

18 A Absolutely, yes.

19 Q When is the first one to your knowledge?
20 When was the first one to your knowledge?

21 A So the first unofficial one was
22 approximately 1995. It was the bombing of a Saudi
23 national guard office. It was like a joint --
24 Lockheed, Raytheon. It was some like Saudi national
25 guard office. There was a car bombing that took place

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1 outside. The first official attack that was claimed by
2 Al-Qaeda officially was in 2004.

3 MR. CURRAN: Okay. That concludes my
4 questioning. I reserve my remaining time. Other
5 counsel may have questions. And if so, then at the end
6 of that, we've got some statements to make as to the
7 protective order, but otherwise I'll pass the baton.

8 MR. CARTER: Okay. Given the context, I'm
9 not sure that questioning by other folks on the defense
10 side is appropriate, but, you know, assuming there's
11 none of that to follow at this point, we can take a
12 quick break and, you know, come back and confer with
13 you.

14 MR. CURRAN: Sounds good.

15 THE VIDEOGRAPHER: Off the record at 3:22.

16 MR. CURRAN: Unless -- does counsel on the
17 phone want to say something?

18 MS. BEMBRY: No. I just want to say we
19 don't have any questions, so I was confirming that for
20 counsel.

21 MR. CURRAN: Okay. Thank you.

22 MR. ALHAMIDI: Omar Alhamidi. We don't
23 have any questions.

24 MR. CURRAN: Thank you. Thank you all.

25 THE VIDEOGRAPHER: Off the record at

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1 3:32 -- 3:22. Sorry.

2 (Deposition recessed at 3:22 p.m.)

3 (Deposition resumed at 3:28 p.m.)

4 THE VIDEOGRAPHER: We are back on the
5 record at 3:28.

6 MR. CARTER: Mr. Curran, thank you. We
7 don't have any questions of Mr. Kohlmann at this time.
8 So we're going to go ahead and close the deposition
9 subject to the statement you wanted to make about the
10 protective orders.

11 MR. CURRAN: Okay. And I'll defer to
12 Mr. Sequeira for that.

13 MR. SEQUEIRA: Thank you.

14 Reuben Sequeira for Al-Rajhi Bank. I just
15 wanted to raise the point that we have requested
16 certain documents that Mr. Kohlmann has relied upon in
17 his statement and there's still a handful of documents
18 we have not received, so I wanted to remind you about
19 that.

20 MR. CARTER: Sure.

21 MR. SEQUEIRA: And, secondly, as you
22 pointed out, I want to remind all participants that the
23 deposition is covered by protective orders in this case
24 and pursuant to those orders, we designate the
25 deposition and its exhibits in its entirety as

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1 confidential for the initial period and thereafter.

2 MR. CURRAN: Thank you, Mr. Kohlmann.

3 THE WITNESS: Thank you very much.

4 MR. CURRAN: And thank you to the reporter
5 and videographer.

6 THE VIDEOGRAPHER: And we're off the record
7 at 3:28.

8 (Deposition was concluded at 3:28 p.m.)
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CERTIFICATE OF DEPONENT

I hereby certify that I have read and
examined the foregoing transcript, and the same is a
true and accurate record of the testimony given by me.

Any additions or corrections that I feel
are necessary will be made on the Errata Sheet.

Evan Francois Kohlmann

Date

(If needed, make additional copies of the Errata Sheet
on the next page or use a blank piece of paper.)

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ERRATA SHEET

Case: In Re: Terrorist Attacks on September 11, 2001

Witness: Evan Francois Kohlmann Date: 01/11/2024

PAGE/LINE SHOULD READ REASON FOR CHANGE

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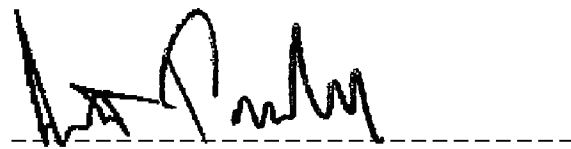
CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Steven Poulakos, registered Professional Reporter, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 11th day of January 2024.

My commission expires:

May 31, 2024



NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

CONFIDENTIAL: This document is subject to a Protective Order regarding confidential information in 03 MDL 1570 (GBD) (SN), United States District Court of the Southern District of New York.

ERRATA

Esquire Deposition Solutions

Name of Case: *In Re: Terrorist Attacks on September 11, 2001*, No. 1:03-md-01570 (S.D.N.Y.)

Date of Deposition: January 11, 2024

Name of Deponent: Evan F. Kohlmann

Page	Lines	Change	Reason
4	6	Change “Nwor” to “Anwar”	Transcription error
6	2	Change “Alhamidi” to “Mohammedi”	Transcription error
9	5	Change “in re terrorist attacks on September 11 th , 2001” to “In Re Terrorist Attacks on September 11, 2001”	Transcription error
9	19	Change “Nwor” to “Anwar”	Transcription error
9	21	Change “Abdul Rumon Amusa” to “Abdulrhman Almussaed”	Transcription error
10	6	Change “Alhamidi” to “Mohammedi from OTM Law.”	Transcription error
10	7, 13	Add “World Assembly of” before “Muslim Youth”	Transcription error
12	7	Change “candied” to “candid”	Transcription error
15	25	Change “Technically” to “Ah – technically, but”	Transcription error
18	6	Add commas after “is” and after “said”	Punctuation
21	10-14	Change “plaintiff’s” to “Plaintiff’s” and add quotations as follows: “A 2002 CIA document obtained by Plaintiff’s counsel noted that ‘Al-Rajhi Bank has been a conduit for funds for Islamic extremists and for’” the 9/11 hijackers – sorry – ““for the 11 September hijackers.””	Transcription error
24	8	Change “al-Hasmi” to “al-Hazmi” and change “Ahmed al-Nami” to Khalid al-Mihdhar”	Transcription error
32	10	Change “Barada” to “Buraydah”	Transcription error
32	23-24	Change “Saudi Arabia Monitary Authority” to “Saudi Arabian Monetary Authority”	Transcription error
33	17	Change “Barada” to “Buraydah”	Transcription error
35	14	Change “I believe.” to “I believe so.”	Transcription error
38	1	Change “by employees” to “might have been employees”	Transcription error
39	18	Change “Linbergh” to “Lindbergh”	Transcription error
39	22	Change “Linbergh” to “Lindbergh”	Transcription error
39	23	Change “Linbergh” to “Lindbergh”	Transcription error
41	6	Change “number” to “member”	Transcription error

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42	2	Change “Barada” to “Buraydah”	Transcription error
42	3	Change “You’re right. That’s correct, yes.” to “Buraydah. That’s correct, yes.”	Transcription error
48	16	Change “period.” to “period. Id.”	Transcription error
48	18	Change “and you give the number.” to “and you give the number, and then id.”	Transcription error
56	22-23	Add comma before and after “generally”	Punctuation
56	23	Change “Swiss” to “SWIFT”	Transcription error
57	13	Add a comma after “nationals”	Punctuation
61	14	Change “Sweilem” to “Sowaillem”	Transcription error
61	15	Change “Sweilem” to “Sowaillem”	Transcription error
61	24	Change “Sweilem” to “Sowaillem”	Transcription error
62	21	Add “I misspoke.” after “00014.”	Transcription error
63	25	Change “close” to “closed”	Transcription error
68	14	Add “the” before “Sharia board”	Transcription error
75	6	Add comma after “states” and open quotation marks before “I”	Punctuation
75	8	Change “bin Abdul” to “bin Abdullah”	Transcription error
75	10	Close quotation marks after “months.”	Punctuation
78	1	Add open quotation marks before “no objection”	Punctuation
78	5	Add close quotation marks after “guidance.”	Punctuation
79	25	Add “to” after “you”	Transcription error
82	12	Add comma after “Honestly”	Punctuation
82	24	Change “Okay” to “Right”	Transcription error
84	22	Change “incredibility” to “in credibility”	Transcription error
85	19	Add open quotation marks before “Conclusion”	Punctuation
85	22	Add closed quotation marks after “charged.”	Punctuation
88	7	Add comma after “says” and open quotation marks before “on”	Punctuation
88	9	Close quotation marks after “Cincinnati” and before “?”	Punctuation
88	10	Change “Hansi” to “Hazmi”	Transcription error
88	10	Open quotation marks before “Hazmi”	Punctuation
88	12	Close quotation marks after “San Diego.”	Punctuation
88	13	Add a comma after “Next”	Punctuation
88	14	Add “The” before “bottom” and add comma after “there”	Punctuation

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88	14	Change “Hansi” to “Hazmi”	Transcription error
88	20-21	Add a comma after “with” and open quotation marks before “by”	Punctuation
88	21	Change “Hansi” to “Hazmi”	Transcription error
88	22	Close quotation marks after “Virgina.”	Punctuation
89	1	Place quotation marks around “almost immediately”	Punctuation
91	8, 14	Change “Tide” to “Taibah”	Transcription error
91	14	Change “Tiba” to “Taibah”	Transcription error
91	16	Change “Hera main” to “Haramain”	Transcription error
91	20	Change “Hera main” to “Haramain”	Transcription error
92	3	Change “on” to “of”	Transcription error
92	15	Change “Hera main” to “Haramain”	Transcription error
92	18	Change “Hera main” to “Haramain”	Transcription error
92	20	Change “Hera main” to “Haramain”	Transcription error
92	24	Change “Hera main” to “Haramain”	Transcription error
93	9	Change “Hera main” to “Haramain”	Transcription error
93	11	Change “Hera main” to “Haramain”	Transcription error
93	16	Change “Hera main” to “Haramain”	Transcription error
93	19	Change “Hera main” to “Haramain”	Transcription error
93	22	Change “Hera main” to “Haramain”	Transcription error
94	5	Change “Abdulsalam” to “Abdussalam”	Transcription error
94	7	Change “Hera main” to “Haramain”	Transcription error
94	10	Change “Abdulsalam” to “Abdussalam”	Transcription error
94	11	Change “Abdulsalam” to “Abdussalam”	Transcription error
94	12	Change “Abdulsalam” to “Abdussalam”	Transcription error
95	7	Change “Abdulsalam” to “Abdussalam”	Transcription error
96	13	Add comma after “Honestly”	Punctuation
97	10	Change “Abdulsalam” to “Abdussalam”	Transcription error
99	7	Change “plaintiff’s” to “plaintiffs”	Transcription error
99	13	Change “Hera main” to “Haramain”	Transcription error
99	14	Change “plaintiff’s” to “plaintiffs”	Transcription error
99	16	Change “plaintiff’s” to “plaintiffs”	Transcription error
99	19	Change “plaintiff’s” to “plaintiffs”	Transcription error

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100	1	Change “know” to “no”	Transcription error
101	11	Change “Swiss” to “SWIFT”	Transcription error
101	19	Change “discovery in the litigation” to “Discovery in the litigation” and place quotation marks around “Discovery in the litigation”	Transcription error
101	23	Change “plaintiff’s” to “plaintiffs”	Transcription error
102	1	Open quotation marks before “Discovery”	Punctuation
102	1-5	Add open quotation marks before “Discovery” and close quotations after “Al-Aqeel”	Punctuation
102	4	Change “Hera main” to “Haramain”	Transcription error
102	5	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
102	5	Close quotation marks after Aqil.” before “I guess”	Punctuation
102	6	Open quotation marks before “the former”	Punctuation
102	6	Change “Hera main” to “Haramain”	Transcription error
102	7	Change “specially designated global terrorist” to “Specially Designated Global Terrorist”	Transcription error
102	11	Add “period,” before “citing footnote”	Transcription error
102	12	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
102	12-13	Change “specially designated global terrorist” to “Specially Designated Global Terrorist”	Transcription error
102	23	Change “Hera main” to “Haramain”	Transcription error
102	23-24	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
103	2	Change “Hera main” to “Haramain”	Transcription error
103	2-3	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
103	6	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
103	8	Add commas before and after “actually”	Punctuation
103	9-10	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
103	19	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
104	2	Add commas before and after “I think”	Punctuation
105	5-6	Change “specially designated global terrorist” to “Specially Designated Global Terrorist”	Transcription error
105	9	Change “Hera main” to “Haramain”	Transcription error
105	10	Change “Hera main” to “Haramain”	Transcription error
105	18	Change “Hera main” to “Haramain”	Transcription error

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105	25	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
106	6	Change "Heramain" to "Haramain"	Transcription error
106	7	Change "the designation" to "his designation"	Transcription error
106	14	Change "Heramain" to "Haramain"	Transcription error
107	6	Change "Heramain" to "Haramain"	Transcription error
107	24	Change "Heramain" to "Haramain"	Transcription error
108	3	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
108	5	Change "Heramain" to "Haramain"	Transcription error
109	24	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
110	2	Change "Heramain" to "Haramain"	Transcription error
110	6	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
110	7	Change "specially designated global terrorist" to "Specially Designated Global Terrorist"	Transcription error
110	10	Change "Heramain" to "Haramain"	Transcription error
110	15	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
110	16	Change "Heramain" to "Haramain"	Transcription error
110	20	Change "Aqeel" to "Aqil"	Transcription error
110	21	Change "Aqeel" to "Aqil"	Transcription error
111	3	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
111	5	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
111	10	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
111	11	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
111	16	Add "high" before "position"	Transcription error
111	19	Change "Aqeel" to "Aqil"	Transcription error
111	21	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
112	1	Change "Heramain" to "Haramain"	Transcription error
112	1-2	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
113	14	Change "Aqeel Al-Aqeel" to "Aqil al Aqil"	Transcription error
113	15	Change "Heramain" to "Haramain"	Transcription error
113	19-20	Add comma after "is" and add quotation marks to "with reference to your kind letter"	Punctuation
113	21	Open quotation marks before "and"	Punctuation
114	6	Close quotation marks after "security."	Punctuation

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116	21	Change “Hera main” to “Haramain”	Transcription error
116	23	Open quotation marks before “while”	Punctuation
117	5	Close quotation marks after “others.”	Punctuation
117	2	Change “Hera main” to “Haramain”	Transcription error
117	9	Change “Hera main” to “Haramain”	Transcription error
117	17	Add “that have been designated” between “branches” and “designated”	Transcription error
118	2	Change “Hera main” to “Haramain”	Transcription error
118	15	Change “Hera main” to “Haramain”	Transcription error
118	19-20	Add commas after “mean” and “mean”	Punctuation
119	6	Change “Hera main” to “Haramain”	Transcription error
119	21	Change “Hera main” to “Haramain”	Transcription error
121	3	Add “--” before “me personally”	Punctuation
122	1	Change “Hera main” to “Haramain” and add “the” before “al-Haramain.”	Transcription error
122	6	Change “Hera main” to “Haramain”	Transcription error
122	13	Change “Hera main” to “Haramain”	Transcription error
123	18	Change “Hera main” to “Haramain”	Transcription error
123	18	Change “Sulaiman al-Woofi (ph)” to “Soliman al Buthe”	Transcription error
123	19	Change “Aqeel Al-Aqeel” to “Aqil al Aqil”	Transcription error
124	6	Change “Hera main” to “Haramain”	Transcription error
124	10	Change “Hera main” to “Haramain”	Transcription error
124	15	Change “Hera main” to “Haramain”	Transcription error
124	16	Change “east” to “East”	Transcription error
124	19	Change “Hera main” to “Haramain”	Transcription error
125	1	Change “Hera main” to “Haramain”	Transcription error
125	6	Change “Hera main” to “Haramain”	Transcription error
125	20	Change “Hera main” to “Haramain”	Transcription error
125	21	Change “Hera main” to “Haramain”	Transcription error
126	1	Change “Hera main” to “Haramain”	Transcription error
126	7	Change “Hera main” to “Haramain”	Transcription error
126	20	Add “the” before “cooperation”	Transcription error
126	24	Change “Hera main” to “Haramain”	Transcription error

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127	5	Change "Hera main" to "Haramain"	Transcription error
128	16	Add comma after "part"	Punctuation
129	16	Change "Hera main" to "Haramain"	Transcription error
129	17	Change "Hera main" to "Haramain"	Transcription error
129	18	Change "Hera main" to "Haramain"	Transcription error
129	20	Change "Hera main" to "Haramain"	Transcription error
131	1	Change "Swiss" to "SWIFT"	Transcription error
131	11	Change "Hera main" to "Haramain"	Transcription error
131	11	Add "government" after "United States"	Transcription error
131	13	Change "specially designated global terrorist" to "Specially Designated Global Terrorist"	Transcription error
131	19	Change "Hera main" to "Haramain"	Transcription error
131	21	Change "Hera main" to "Haramain"	Transcription error
132	11	Change "Hera main" to "Haramain"	Transcription error
132	12	Change "Hera main" to "Haramain"	Transcription error
133	16	Add commas before and after "in my view"	Punctuation
135	8	Change "Hera main" to "Haramain"	Transcription error
135	17	Change "Swiss" to "SWIFT"	Transcription error
136	5	Change "Hera main" to "Haramain"	Transcription error
137	1	Change "travelers" to "traveler's"	Transcription error
137	17	Add comma after "says" and open quotation marks before "the same Saudi" and change "the" to "The"	Transcription error
137	18	Change "Albuthe" to "al Buthe"	Transcription error
137	19	Change "travelers" to "traveler's"	Transcription error
137	20	Change "Hera main" to "Haramain"	Transcription error
137	20	Close quotation marks after "States"	Transcription error
137	23	Change "Albuthe" to "al Buthe"	Transcription error
137	24	Change "travelers" to "traveler's"	Transcription error
138	18	Change "Hera main" to "Haramain"	Transcription error
139	7	Change "Hera main" to "Haramain"	Transcription error
139	8	Change "Hera main" to "Haramain"	Transcription error
139	16	Change "Albuthe" to "al Buthe"	Transcription error
139	22	Change "Hera main" to "Haramain"	Transcription error

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140	3	Change “Heramain” to “Haramain”	Transcription error
140	14	Change “Heramain” to “Haramain”	Transcription error
143	2	Change “Muhammad Ali Jinnah” to “Maneh al Johani”	Transcription error
143	15	Open quotation marks before “the U.S.”	Punctuation
143	17	Close quotation marks after Laden.”	Punctuation
144	11	Change “Abdulrahman al-Saudi (ph)” to “Abu Hammam al-Saudi”	Transcription error
145	4-5	Change “U.S. G.” to “USG” and open quotation marks before “the USG”	Punctuation
145	7	Close quotation marks after “financiers.”	Punctuation
145	9-11	Place quotation marks before “as” and after “operations”	Punctuation
146	3	Change “continued” to “continues”	Transcription error
146	3-6	Place quotation marks before “The stated” and after “in need.”	Punctuation
146	8-13	Place quotation marks before “IIRO” and after “Muslims.”	Punctuation
146	22	Open quotation marks before “IIRO”	Punctuation
147	3	Close quotation marks after “Africa.”	Punctuation
147	10-14	Place comma after “states” and quotation marks around the quote starting “while IIRO” and finishing “organizations.”	Punctuation
147	16-19	Place quotation marks before “for example” and after regime.”	Punctuation
147	21-25	Place quotation marks around quote beginning “IIRO” and ending “IIRO.”	Punctuation
150	8	Change “Muslim” to “Islam”	Transcription error
150	15	Change “caucuses” to “Caucasus”	Transcription error
150	23	Change “Abdulrahman” to “Abu Hammam”	Transcription error
150	25	Change “Farooq” to “Farouq”	Transcription error
151	1	Change “Farooq” to “Farouq”	Transcription error
151	8	Change “Farooq” to “Farouq”	Transcription error
152	20	Change “Alhamidi” to “Mohammedi”	Transcription error
152	21-22	Change “World Assembly.” to “World Assembly of Muslim Youth.”	Transcription error
153	4	Change “Monel Jahani” to “Maneh al Johani”	Transcription error
153	6	Change “journal” to “Journal”	Transcription error
153	25	Change “testimony?” to “testimonies?”	Transcription error
154	12	Change “Monel Jahani” to “Maneh al Johani”	Transcription error

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154	19	Change "Farooq" to "Farouq"	Transcription error
154	25	Change "Farooq" to "Farouq"	Transcription error
155	5	Change "Abdulrahman" to "Abu Hammam"	Transcription error
156	9	Delete "the" before "bears"	Transcription error
156	10-18	Place comma after "states" and quotation marks around quote beginning "my understanding" and ending "orphanages."	Punctuation
157	2	Change "Abdulrahman" to "Abu Hammam"	Transcription error
157	3	Change "Farooq" to "Farouq"	Transcription error
157	14-20	Place quotation marks around quote beginning "What is" and ending "a few months."	Punctuation
158	7-10	Place quotation marks around quote beginning "You said" and ending "funded camp."	Punctuation
158	25	Change "agreed" to "agree"	Transcription error
159	21	Add comma after "said," and open quotation marks before "about me"	Punctuation
159	25	Change "fact" to "fatwa's"	Transcription error
160	1	Delete "that was"	Transcription error
160	3	Close quotation marks after "organization."	Punctuation
160	10	Change "you can give it back" to "you can keep it still."	Transcription error
160	19	Change "Babaeer" to "Babair"	Transcription error
160	21	Change "Babaeer" to "Babair"	Transcription error
162	11-12	Place quotation marks around quote beginning "The assembly" and ending "ceremony."	Punctuation
162	15-25	Place quotation marks around quote beginning "Which was attended" and ending ", period."	Punctuation
162	17	Change "Charge" to "Chargé"	Transcription error
162	23	Change "Babaeer" to "Babair"	Transcription error
163	4	Change "Babaeer" to "Babair"	Transcription error
163	14	Change "Babaeer" to "Babair"	Transcription error
165	10	Change "Alhamidi" to "Mohammedi"	Transcription error
166	9	Change "issues" to "issued"	Transcription error
166	21	Add "a" before "conspiracy"	Transcription error
167	1	Change "pay homage" to "pay him homage"	Transcription error
168	3	Change "Arts" to "Arab"	Transcription error

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168	6	Change “Mahamood Fondi (ph)” to “Mamoun Fandy”	Transcription error
168	13	Change “Arts” to “Arab”	Transcription error
168	18	Change “in” to “inside”	Transcription error
169	15	Change “Fondi” to “Fandy”	Transcription error
169	21	Change “movement” to “Movement”	Transcription error
169	22	Change “reform” to “Reform”	Transcription error
169	22	Change “Saleh Focki (ph)” to “Sa’ad al Faqih”	Transcription error
171	10	Change “Saleh Focki” to “Sa’ad al Faqih”	Transcription error
171	17	Changes “the times” to “this time”	Transcription error
171	20	Add a comma after “hand”	Punctuation
173	9	Add comma after “say”	Punctuation
173	10-13	Place quotation marks around quote beginning “the Golden Chain” and ending “1980s.”	Punctuation
174	16-17	Place quotation marks around quote beginning “the Golden Chain” and ending “officials.”	Punctuation
174	24	Delete “the” after “against”	Transcription error
175	9	Change “Mark” to “Marc”	Transcription error
175	9	Change “Sagmen” to “Sageman”	Transcription error
175	9	Add “that” between “fact” and “Dr. Marc”	Punctuation
176	15	Change “Alfodal” to “al-Fadl”	Transcription error
176	19	Change “founder” to “founders”	Transcription error
177	7	Add commas before and after “in this case”	Punctuation
177	23	Add comma after “Judge”	Punctuation
178	12	Add “--” before “my understanding.”	Punctuation
178	14	Change “Alfodal” to “al-Fadl”	Transcription error
178	21	Add “on “ between “based” and “one document.”	Transcription error
180	6	Add comma after “1988”	Transcription error
181	1	Change “are” to “were”	Transcription error
181	9	Change “a tax” to “attacks”	Transcription error
181	13	Change “a tax” to “attacks”	Transcription error
181	25	Change “possibly” to “possible”	Transcription error
182	16	Change “west” to “West”	Transcription error
183	17	Place commas before and after “including Abdullah Azzam”	Punctuation

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184	3	Change “records” to “recordings”	Transcription error
185	10	Change “It’s part” to “It’s all part”	Transcription error
185	14	Change “a tax” to “attacks”	Transcription error
186	10	Change “bid” to “bin”	Transcription error
186	21	Change “activity” to “actively”	Transcription error
189	16	Change “interest” to “interests”	Transcription error
190	5	Change “in the operation” to “an operation”	Transcription error
191	10	Change “to limit of freedom” to “to limit freedom”	Transcription error
192	16	Change “Alfodal” to “al-Fadl”	Transcription error
193	10	Change “Alfodal” to “al-Fadl”	Transcription error
193	15	Delete “(ph)”	Transcription error
193	16	Add “a” after “about” and before “Sheikh Saeed”	Transcription error
193	19	Change “a real shit” to “Egyptian”	Transcription error
193	22	Change “Alsahad (ph) media” to “As-Sahab Media”	Transcription error
193	25	Change “Sharia” to “Shura”	Transcription error
194	5	Change “Alfodal” to “al-Fadl”	Transcription error
194	6	Change “Sharia” to “Shura”	Transcription error
201	3	Change “past” to “passed”	Transcription error
201	21	Change “Glen” to “Glenn”	Transcription error
201	23	Change “Glen” to “Glenn”	Transcription error
202	10	Change “Glen” to “Glenn”	Transcription error
203	3	Change “Glen” to “Glenn”	Transcription error
203	20	Change “investigative project” to “Investigative Project”	Transcription error
204	3	Change “Glen” to “Glenn”	Transcription error
204	18-25	Place quotation marks around quote beginning “Consistent” and ending “period.”	Punctuation
204	23	Change “support to the designated” to “support to designated”	Transcription error
205	21	Change “travelers” to “traveler’s”	Transcription error
207	14-16	Place quotation marks around quote beginning “It is also clear” and ending “hijackers.”	Punctuation
208	4	Add “--” before and after “and cite”	Transcription error
210	22	Change “Alhamidi” to “Mohammedi”	Transcription error

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ACKNOWLEDGEMENT OF THE DEPONENT, EVAN F. KOHLMANN

I, Evan F. Kohlmann, do hereby certify that I have read the transcript of my January 11, 2024 deposition, in the matter *In Re: Terrorist Attacks on September 11, 2001*, Case No. 1:03-md-01570 (S.D.N.Y.) (GBD) (SN), and that the transcript is a correct transcription of the answers given by me to the questions therein propounded, subject to the corrections and changes in form or substance noted in this Errata.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: March 18, 2024

A handwritten signature in black ink, appearing to be 'E. Kohlmann', written over a horizontal line.

Evan F. Kohlmann